1749
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CODES

OF THE

FINANCIAL DEPARTMENT.

CIVIL PENSION CODE.

CIVIL LEAVE CODE.

ACTING ALLOWANCE CODE.

SECOND AUTHORISED EDITION,

CORRECTED TO 1ST DECEMBER 1873.

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THE CIVIL PENSION CODE.

Extent of Application.

CHAPTER II.

EXTENT OF APPLICATION.

Section **2**.—The rules in this code and its supplements apply to all public servants, except the following, who are under military rules: Application of the code.

(*a*).—Officers and men in the army or in the navy (including covenanted medical officers).*

(*b*).—Officers of the subordinate medical department.

Section **3**.—The general provisions of the code do not apply to the undermentioned officers, whose pensions are regulated by the special rules contained in the supplements:

(*a*).—Officers of the covenanted civil service.

(*b*).—Judges of the High Courts of judicature.

(*c*).—Chaplains.

(*d*).—Members of the Bengal pilot service.

1. The rules in Chapter VII, however, apply to officers of the covenanted civil service.

Section **4**.—The following officers are allowed an option, (which can be exercised once only,) between the rules embodied in this code (which, for the most part, came into force on the 8th June 1863) and the rules which previously applied to them: Option of old rules.

(*a*).—Covenanted civil engineers of the public works department and civil officers of the telegraph department, whose covenants are dated before the 8th June 1863, may elect between the rules in this code and the rules which were in force when they executed their covenants, and which are set forth in appendix B.

Provided that, if they elect the latter, they must abide also by the leave rules which were in force before the 8th June 1863.

(*b*).—Marine engineers in Bengal and Bombay, engaged under covenant in England, before the abolition of the indian navy, may elect to serve under the rules in this code and the leave rules which were promulgated with them on the 8th June 1863, or under the terms of their covenants.

* The code applies to all officers employed under the military department, whose service is not pensionable under military rules.

General Principles, and General Exceptions.

CHAPTER III.

GENERAL PRINCIPLES, AND GENERAL EXCEPTIONS.

Section 5.—An officer's claim to pension or gratuity is governed by the rules in force at the time when he resigns or is discharged from the service of Government. No officer has any claim to a benefit granted after his resignation or discharge.

Section 6.—Service which is pensionable under military rules does not count. An officer who is counting service for military pension cannot, simultaneously, count service for civil pension. Service under military rules.

Examples.—An officer who has served in the indian navy, if he afterwards enters civil employ, cannot count his naval service. A non-commissioned officer or private soldier, employed in the civil department, cannot begin to count his service for civil pension until he has taken his discharge from the army.

Exceptions.—1. Hospital assistants and enlisted native doctors are excluded, by this section, from gratuity or pension under this code; but a hospital assistant or native doctor, if promoted to be sub-assistant surgeon, counts service from the date on which he passed his examination as hospital assistant. Exceptions.

2. Those inspectors in the telegraph department who came from England as artificers in 1853, and did not take their discharge from the army till about 1863, count their departmental service.

3. In the public works department, warrant officers in the grades of conductor and sub-conductor, and non-commissioned officers, are obliged, when promoted to the engineer establishment, to take their discharge from the army, and their whole departmental service then qualifies.

4. A soldier in civil employ who takes his discharge from the army is entitled to count his departmental service for one year before his discharge. A soldier who was in civil employ on the 17th October 1872, and who took his discharge from the army before the 1st November 1873, may count his whole departmental service.

[NOTE.—A soldier in civil employ may not take his discharge from the army without the consent of his civil departmental superior.]

Section 7.—An officer cannot earn two pensions at the same time, or by the same continuous service. Cumulative pensions inadmissible.

Section 8.—Pension and gratuity are not earned by a person, whose whole time is not retained for the service Persons paid for specific services.

Qualifying Service.—First Condition.

of Government, merely because he is paid by Government for work done for it.

Examples.—This rule applies to the following officers among others:

Advocate General. Solicitor to Government. Government pleaders and law professors, when not debarred from private practice. Sheriffs and deputy sheriffs in presidency towns. Coroners. Roman Catholic priests. Church clerks and other church servants.

1. Service as deputy sheriff of Bombay qualified under an order in the financial department No. 10300, dated the 26th February 1867. This order was withdrawn on the 11th December 1871. But officers who held the appointment between these dates count the whole of their service in it.

Section 9.—On the same principle, a public servant who holds some other pensionable office earns no pension or gratuity in respect of an office of the kind mentioned in section 8, or in respect of duties paid for by a "local allowance."

Service under covenant.

Section 10.—Service under a covenant which contains no stipulation regarding pension or gratuity does not qualify, unless the Government of India specially permits it to qualify.

Service for a time only.

Section 11.—An officer who is appointed for a limited time only, or for a specified duty on the completion of which he is to be discharged, has no claim to pension or gratuity.

Service under twenty-two.

Section 12.—Except for compensation gratuity, superior service before completion of twenty-two years of age, or service as an apprentice, does not qualify.

CHAPTER IV

QUALIFYING SERVICE.

FIRST CONDITION.—SERVICE UNDER GOVERNMENT.

Service under Government.

Section 13.—The service of an officer qualifies only if he is appointed, and if his duties and pay are regulated by the Government, or under conditions determined by the Government.

Qualifying Service.—First Condition.

1. The following are examples of officers excluded from pension by this rule:

A marine officer paid by fees fixed by the Board of Trade. Officers of a municipality. Officers of grant-in-aid schools and institutions (*e. g.*, the Asiatic Society and the Canning College at Lucknow). Subordinates appointed by treasurers on their own responsibility, *e. g.*, tahvildars in the North-Western Provinces, and fotadars (money-testers) in Bengal.

Office under Board of Trade. Municipalities. Grant-in-aid schools and institutions. Treasurers' subordinates.

2. The educational authorities in Bengal having induced certain teachers of Government institutions to accept service in grant-in-aid schools, by declaring a rule regarding Bombay schools (*Section* 26, *case c*) to be applicable to their case, were directed, in December 1863, to offer to these teachers, re-employment in Government schools. Those of them who accepted such re-employment reckon their service (not exceeding three years) in grant-in-aid schools, as service under Government.

Grant-in-aid schools: Exception.

Section **14**.—Service on an establishment paid from an establishment allowance made to the head of the office, with the detailed distribution of which the Government does not interfere, does not qualify. The establishment allowance may be fixed in amount, or may consist of fees received by the head of the office.

Contract establishment.

1. The maximum establishment allowance for registration offices in Bengal is not an establishment allowance within the meaning of this section, because the inspector general of registration, under the orders of Government, regulates its distribution, and any balance unspent is saved to Government.

Registration offices.

2. Service in the Allahabad pension pay office, which was formerly paid from an establishment allowance, qualifies in the case of the clerks retained in it when it became a regular establishment.

Allahabad office.

Section **15**.—Service on an establishment paid from the household allowance of the Viceroy, or of any Governor or Lieutenant-Governor, does not qualify.

Service paid from darbar and sumptuary allowances.

Section **16**.—In the following cases, service under an employer to whose position Government has succeeded qualifies:

Service under employers supplanted by Government.

(*a*).—Service in the Berars and in Mysore, in the case of officers transferred to the Government of India when it undertook the administration of these provinces.

Berars and Mysore.

(*b*).—Service rendered to a native state and continued to the British Government, on the lapse or annexation of the State; when old age or infirmity renders the servant a fit object for pension. But claims to pension under this rule must be referred to the Government of India.

Service under native states.

Qualifying Service.—Second Condition.

(*c*).—Service, in superior grades, in talukdari schools in Oudh, which were converted into Government institutions on the organisation of the educational department in that province. Talukdari schools, Oudh.

(*d*).—Service of officers who were on the establishments of the military and medical funds when the funds were taken over by Government. Military funds.

(*e*).—Service was guaranteed to the soldiers of the Sikh Government who, on annexation, entered the British service in the following regiments: Soldiers of Sikh darbar.

Subhan Khan's (or 1st Punjab police battalion). Sher Dil Regiment (or 2nd Punjab police battalion). Kallar Mukhi (or 3rd Punjab police battalion). Suraj Mukhi (or 4th Punjab police battalion). The 3rd Punjab light field battery. The 4th or Garrison company of artillery. Two companies of Punjab sappers.

In accordance with the guarantee, such soldiers who, on the 28th October 1861, were in employment in any department, are entitled to receive pension for their service under the Sikh darbar and for that under the British Government, under the rules for invalid pensions to soldiers in local or irregular corps.

CHAPTER V.

QUALIFYING SERVICE.

SECOND CONDITION.—PERMANENT AND SUBSTANTIVE EMPLOY.

Section **17.**—Service qualifies only if the officer holds a substantive office on a permanent establishment. Service permanent and temporary.

1. Service in an office which, though at first created experimentally or temporarily, eventually becomes permanent, qualifies. But this rule does not apply to the case of an officer who is entertained temporarily in one office, and is, afterwards, transferred to *another* substantive office.

2. An officer officiating in an office which is vacant, or of which the permanent incumbent does not draw any part of the pay, may, if he is confirmed without break of continuity, count service as if he had held the office substantively.

3. An officer who holds a substantive office and draws substantive pay as a probationer, holds a substantive office within the meaning of this section. So does an officer who is on probation for a substantive office, if he is employed in a vacancy reserved for him pending probation.

Qualifying Service.—Second Condition.

Permanent servant deputed.

Section 18.—If an officer on a permanent establishment is detached on temporary duty on the understanding that, when the temporary duty ceases, he will return to the permanent establishment, he continues to count service as if he had remained on the permanent establishment.

Examples.—A deputy collector deputed to assess or collect the income tax. A muharrir detached on settlement duty.

Section 19.—If the substantive office of an officer is abolished within the meaning of Section 47, but the officer is, at the time on special duty, or is, on abolition of his office, deputed on special duty, his service continues to qualify.

1. It is essential that the duty be of a special character. Mere employment, in continuation of permanent employment, in a temporary appointment which happens at the time to be vacant, does not qualify under this rule.

Press servants and section-writers.

Section 20.—Press servants who are paid for piece-work, and section-writers in Bengal, the North-Western Provinces, and Madras, are reckoned members of a permanent establishment, if—

(1) they are employed, not casually, but as part of a fixed establishment; and

(2) during the last seventy-two months of their actual employment they have been attached to one office uninterruptedly for twenty-four months, or it has not been through their own choice or misconduct that they have not been so attached.

Exceptions to the general rule

Section 21.—In the following cases, temporary service qualifies:

Medical charge of Government vessel.

(*a*).—A surgeon, or duly qualified medical practitioner, in charge of a Government vessel, may count his service afloat, if he is, without break of continuity, transferred from it to the uncovenanted medical service.

'Works' establishments, public works department.

(*b*).—Claims by officers of the public works department whose pay was charged to "works," before the issue of the public works department circular No. 6 of 1862, but whose employment was really of a permanent character, will, if the sanction to their entertainment was regular, be especially considered by the Government of India.

Qualifying Service.—Third Condition.

(c).—If the Collector of Customs in Calcutta, in transferring an officer from the extra or contingent list of the Calcutta customs preventive service, declares that the transfer is made on the ground of good service rendered, the service on the extra or contingent list qualifies.

Preventive service, Calcutta.

Section 22. (*a*).—Service in the settlement and survey departments named beneath, which are on a quasi-permanent footing, qualifies:

Settlement and survey departments.

The settlement departments in Madras, the North-Western Provinces, Oudh, and the Punjab. The revenue survey departments in Bengal, Madras, and Bombay. The establishments of the Inam Commissioners of Madras and Bombay. The alienation settlement department in Bombay.

1.—This section does not apply to an officer engaged on the understanding that his appointment is only temporary, or that he will be liable to discharge after a short period of service.

(*b*).—In other provinces, (and in the above-named provinces also, apart from the regular departments,) settlement and survey work is temporary work, and an officer engaged in it does not earn pension. But service in the settlement department in any province, and also service in the Malabar escheat establishment, Madras, qualifies, if it is followed, without a break, by qualifying service.

1.—Deputy collectors and similar gazetted officers, when not especially employed for temporary work, are not affected by this rule, as they count service, independently of the particular department to which they happen, for the time, to be attached.

CHAPTER VI.

QUALIFYING SERVICE.

THIRD CONDITION.—SOURCE OF REMUNERATION.

Section 23.—Service which satisfies the conditions laid down in CHAPTERS IV and V qualifies, or does not qualify, according to the source from which it is paid.

Specification of sources.

Service is paid in the following ways:

A.—From the general revenues.

B.—From local funds.

Qualifying Service.—Third Condition.

C.—From funds in respect of which the Government holds the position only of a trustee.

D.—By fees levied by law, or under the authority of the Government.

E.—By commission.

F.—By the grant, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money.

1. Officers on establishments of political agencies are exempt from this condition. But when a political agency is established at the charge of a native state, every member of the establishment, covenanted or uncovenanted, must pay to the British Government, in respect of his pension and absentee allowances, a contribution equal to what would be levied from him under Section 35, if Section 34 applied to him. Political agencies.

This condition should be introduced gradually, whenever existing arrangements are revised. Officers of the Rewah political agency already pay six per cent.

2. Members of office establishments in the railway police in Bombay, who are wholly paid by the railway companies, are also exempt from this condition.

3. When police officers are entertained at the cost of individuals and corporate bodies under Sections 13, 14, and 15 of Act V of 1861 of the Governor General of India in Council, or under Sections 14, 15, and 16 of Act VII of 1867 of the Governor of Bombay in Council, an additional charge of one-fourth of the pay of officers whose pay is not less than Rs. 100 a month, and of one-eighth of the pay of others, must be defrayed by the persons for whose benefit the officers are employed, and credited to the imperial Government; provided always that this additional charge shall not be made when such officers do not belong to the regular police, but are only temporarily engaged, their service not counting for pension, or when the pay of the officers is a charge upon the Government.

A.

Section **24**.—If the service is paid from the general revenues, it qualifies. Paid from general revenues.

1. The service of process-servers, before the Court Fees Act 1870 was passed, qualifies in the following cases:—

In Bengal—

Service paid from the fund formed under Act V of 1863, Bengal Council.

In the North-Western Provinces—

(*a*).—Service under the civil courts after 31st December 1863.

Qualifying Service.—Third Condition.

(*b*).—Service under the revenue courts, after 31st December 1865.

In the Punjab—

Service rendered after 14th March 1859.

In Oudh, the Central Provinces, and British Burmah—

All service.

In Bombay—

Service paid from the Ameen's fee fund.

[NOTE.—In Madras the service of process-servers previous to their appointment under the Court Fees Act, 1870, did not qualify.]

2. Rule 1 applies also to naib nazirs who were on the same footing in respect to the source of their pay as process-servers.

Berars and Mysore.

Section **25**.—The revenues of the Berars and of Mysore are part of the general revenues within the meaning of Section 24; provided that pensions and gratuities for service wholly or partly paid from those revenues, shall be charged against those revenues wholly, or according to the rule of proportions, as the case may be.

1. The same rule applies in the following cases:

Mamlatdars and karkuns on establishments paid from the revenues of the Peint State. Government servants in superior grades transferred to service under the municipality of Malcolm Peith, which is under Government control.

General revenues recouped from other sources.

Section **26**.—When contributions are made by railway companies, or from local funds, or special sources, towards the cost of appointments and establishments which are maintained directly from the general revenues, the numbers and pay being fixed by the Government, the establishments are treated as paid from the general revenues.

The following cases fall under this rule:

Shipping master.

(*a*).—The shipping master and deputy shipping master, and their establishments at Bombay, and the deputy shipping master in Calcutta, the expense of which offices is provided for by shipping fees.

Hooghly and Elphinstone Colleges.

(*b*).—The establishment of the Hooghly college and collegiate schools, when the cost thereof was borne by the Mohsin trust fund, and also that of the Elphinstone college and high school, the cost of which is recovered from a private endowment.

Bombay schools on old system

(*c*).—Masters and assistant masters in schools established in Bombay on the old system (converse to the grant-in-aid system), whose pay was met in part by local contributions. The pension in this case is reckoned only on the share of salary paid by Government.

Sehor-school.

(*d*).—The establishment of the Sehor (Central India) school, the expense of which is paid in part by local subscriptions.

Qualifying Service.—Third Condition.

(*e*).—The following customs establishments in Bombay, the cost of which (including, in the case of some of them, six per cent. additional to cover cost of pension) is paid by private companies: Customs establishments, Bombay.

Name of establishment.	Monthly cost.	Name of Company reimbursing to Government.
1 Jamsetji bandar custom house ...	150 0 0	Messrs. Remington and Company.
2. Hydraulic press	130 8 0	Mr. Ardhasir Cowasji Modi
3. Victoria land and press	321 0 0	Messrs. Remington and Company.
4. P. & O company's dockyard at Mazagon ...	621 8 0	P. & O. Company.
5. Arthur bandar custom house ...	40 0 0	London Asiatic and American Company.
6. Frere land and pier company's bandar	297 0 0	Messrs. Sir Charles Forbes and Company.
7. Arthur bandar fort press company.	59 0 0	Messrs. Ewart, Lathem and Company.
8 Imperial cotton press	138 0 0	Narsi Keshowji and Company.
9 Akbar cotton press company ...	136 0 0	Messrs. Ewart, Lathem and Company.
10. Arthur bandar custom house ...	59 0 0	Hormusji Dadabhai Dubash.
11. Powder works bandar of the Mazagon land reclamation company ...	249 8 0	Messrs Ritchie, Stewart and Company.
12. Messrs. W. Nicol and company's dockyard, Mazagon	238 0 0	Messrs W. Nicol and Company, Agents of the British India Steam Navigation Company.
13. Mazagon powder works, bandar ...	100 0 0	New Mazagon Land Company.

(*f*).—Second writers on jail establishments in the Bombay Presidency, sanctioned by order in the financial department No. 523, dated 4th June 1867. Jail writers, Bombay

(*g*).—The book-keeper of the High Court at Bombay whose pay is provided for by a three per cent. commission on invested funds. Book-keeper, High Court, Bombay.

B.

Section 27.—Except as provided in sections 28, 29, and 30, service paid from local funds does not qualify. Paid from local funds.

Section 28.—If a local fund satisfies the two conditions following: Discretional power of Government.

(1) that its income is derived from taxation, or other *permanent* source, and not from charitable donations, or voluntary subscriptions;

(2) that the source of its income is under the control of Government;

the local Government may, at its discretion, treat service paid from it, as qualifying.

1. Taxes imposed by municipalities are not under the control of Government; so that service under a municipality does not qualify. But there are, in the Bombay Presidency, some local funds administered by municipalities, the source of whose income Explanation.

Qualifying Service.—Third Condition.

is under the control, not of the municipalities, but of Government; for it is not in the power of the municipalities to abolish them or reduce their income. In these cases, if the first condition is fulfilled, the local fund would be within the rule.

2. This section applies absolutely to establishments paid from port funds managed by Government, and not by trustees.

Section 29.—Pension or gratuity for service under a local fund is paid from the local fund. Pension charged against fund.

1. When part of the service of an officer has been paid from the general revenues, and part from local funds, his pension or gratuity is paid according to the rule of proportions. The local fund service may not be neglected, and a pension awarded solely for the service paid from general revenues. Provided that, if, under this rule, less than one-fourth of any pension or gratuity would be payable from either source, no distribution shall be made; in such case the other source shall bear the whole charge. Mixed service.

2. The Government does not guarantee the solvency of funds (such as the local educational pension fund, Bombay) formed by the subscriptions of local fund officers and established to provide pensions for them.* Pension fund.

3. An officer who is paid from a local fund may, on first appointment, with the permission of the local Government, and upon production of a medical certificate, under Section 49, Rule 2, subscribe for a pension or gratuity in the manner prescribed in Section 35. The rules of this code would then apply to such officer, so long as he continued to subscribe for pension or gratuity, as if he were paid from the general revenues.

Section 30.—In the following cases, service paid from local funds qualifies. Exceptions to general rule.

(*a*).—Government servants transferred to establishments under the cotton frauds act, Bombay, before the receipt of the Secretary of State's dispatch to the Government of India, No. 302, dated 16th December 1864, which directed their early re-transfer to the regular service. Cotton frauds establishment, Bombay.

(*b*).—Servants of the lithographic press, Calcutta, transferred with it to the Alipur jail in January 1860, and afterwards paid from the convict labor fund. Lithographic press, Calcutta.

(*c*).—Members of the regular public works establishments, employed on local funds works under the authority of Government. From the 10th January 1872, this permission was restricted to engineer officers. Public works engineers lent to lo

* See appendix C., Extract 1.

Officers lent to Native States, Municipalities, &c.

C.

Section **31**.—Service paid from funds which Government holds only as a trustee, does not qualify. Paid from trust funds.

*Examples.**—Estates under the court of wards. Attached estates.

D. & E.

Section **32** (*a*).—Service in an office paid only by fees levied by law, or under the authority of Government, or by a commission, does not qualify. Paid by fees or commission.

(*b*).—Service in an office paid by fees or by commission *in addition* to salary from the general revenues qualifies.

1. Service as administrator general, or as official assignee, does not qualify, even though (as in Madras and Bombay) the income from fees or commission is supplemented from the general revenues. Administrator general, &c.

2. Nazirs on the establishments of civil or revenue courts, who were paid, wholly or partly, by fees, are entitled to pension, unless the establishment on which they have served is excluded by Section 14. Nazirs paid by fees.

3. Service as a thoogyee, (local collector of revenue,) in Burmah, qualifies. Thoogyees.

F.

Section **33**.—Service paid by the grant, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money, does not qualify. Paid by a tenure in land.

Exception.—An officiating hereditary district officer in Kaira appointed under Act XI of 1843, if transferred to qualifying service, counts his previous service. Kaira hereditary officers.

CHAPTER VII.

OFFICERS LENT TO NATIVE STATES, MUNICIPALITIES, &C.

[NOTE.—The rules in this chapter apply also to covenanted civil servants, and to military officers in civil employ.†]

Section **34**.—The following rules provide for the case of officers transferred, on or after the 14th

* See Chapter VII

† See appendix C, Extract 2.

Officers lent to Native States, Municipalities, &c.

October 1871,* from qualifying service, to service under native states, municipalities, or other bodies financially independent of the Government of India: Provided that the transfer is made, under the general or special sanction of the Government of India, on public grounds, and not only in the private interest of the officer transferred.

Transfers to service paid from local funds and not admitted under Section 28, and mere temporary transfers to service paid from local funds under which service is so admitted, are within the meaning of this section.

Examples.—Port trusts and estates under the court of wards are examples of "other bodies financially independent of the Government of India."

Contribution required.

Section **35** (*a*).—From every officer transferred in the manner specified in Section 34, who does not wholly resign the service of Government, or who is not, for special and public reasons, exempted from the operation of the rules in this chapter, a contribution shall be levied, of one-fifth of the salary which he receives from his employers; that is, he will receive from his employers pay and acting allowance, fixed in accordance with the rules of the Government service, for the appointment which he holds or in which he officiates, and, retaining four-fifths, will pay one-fifth to the Government of India.

(*b*).—In return for this contribution, the Government will accept the charge for his pension or gratuity, and also that for his absentee allowances (except in the case of privilege leave, regarding which no arrangement can be made, and during which the contribution must be paid in the same manner as if the officer were on duty), in the same manner and to the same extent as if he were in the regular service of Government; saving only that the calculation of pension, gratuity, or absentee allowance, will be based upon the four-fifths of pay or salary which he retains, and not upon the full amount which he receives.

1. With the special permission of the Government of India in the financial department, an officer may make the contribution prescribed in this section in respect of a part only, not being less than two-thirds, of his salary: Provided that pension, gratuity,

* For the rules applicable to the case of officers transferred before the 14th October 1871, see appendix D

Officers lent to Native States, Municipalities, &c.

or absentee allowance, will, in every case, be calculated only upon four-fifths of the amount in respect of which the contribution is paid.

2. A native of India may resign all claims to allowances during leave other than privilege leave, and, in such case, the contribution required will be twelve per cent. instead of one-fifth.

3. From inferior servants, the contribution required is one anna in the rupee for pension only; the Government of India will not pay the leave allowances of such servants.

4. If the salary of the officer is disbursed at a Government treasury, the required contribution will be deducted at time of payment; otherwise, the officer himself must pay the amount, directly, to the British Government, in such manner as may be arranged.

5. The officer must furnish all information that may be required from him by the accountant general.

6. An officer is not permitted to withhold the contribution upon condition that the time of his service lent or transferred shall not count for pension or leave. He must either wholly resign the service of Government, or, unless he is specially exempted, make the contribution required by these rules.

7. The pay or salary of an officer lent to a native state must, in every case, be fixed with the consent of the Government of India, and the officer must not accept any increased allowances without the previous sanction of the Government of India.

8. An officer who is paid from a local fund may, on first appointment, with the permission of the local Government, and upon production of a medical certificate, under Section 49, Rule 2, subscribe under this section for a pension or gratuity. The rules of the code will then apply to such officer so long as he continues to subscribe for pension or gratuity, as if he were paid from the general revenues.

9. The deduction made, under this section, from the salary of a covenanted civil servant includes the deduction on account of the annuity fund. The portion which is to be considered as annuity fund deduction is equal to one-twentyfourth part of the salary remaining to the officer after the whole deduction; and, until the annuity funds of the Madras and Bombay Civil Service are abolished, this portion of the deduction, made from a subscriber to either of these funds, should be credited to the fund to which he subscribes.

10. No officer has any right of property in contributions made under this section, or any claim upon Government in respect to such contribution, except to receive such pension, gratuity, or absentee allowance, as may become admissible to him in accordance with the rules of the Government service.

Section **36**.—The rules in this chapter do not apply to the following cases :— Excepted cases

(*a*).—Teachers transferred to the service of the Chamba state. In this case the pension is paid by the Government Teachers in Chamba.

Superior and inferior service.

of India and the Raja of Chamba according to the rule of proportions.

(*b*).—Officers transferred to service in the Kolapur school. In this case the pension is charged, according to the rule of proportions, to the Government of India and to a fund formed by a contribution proportional to salary paid by the Chief of Kolapur. Kolapur school.

(*c*).—Assistant opium agents in independent native states, whose pay is found by the native states. In this case the pension also is paid by the native states. Assistant opium agents.

(*d*).—Medical officers lent to charitable dispensaries or hospitals in British India. These count service as if it were under Government. Charitable dispensaries.

(*e*).—Officers lent to Her Majesty's Government in England, or to any Colonial Government. These cases are left for special treatment as they arise. Colonial Governments.

CHAPTER VIII.

SUPERIOR AND INFERIOR SERVICE.

Section **37**.—Qualifying service is divided into superior and inferior.

Section **38**.—Service on pay not exceeding ten Government rupees, and service in the following capacities on whatever pay, is inferior service :— Inferior service.

Priests and other officers employed to administer oaths. Jamadars, sarkars, turnkeys, chaudharies of bazars. Messengers, orderlies and peons. Boatmen and seamen. Artificers other than those specified in Rule 1 under Section 39, handicraftsmen, and laborers. Inferior and menial servants of all sorts. Fotadars (money-testers), weighmen in mints (excepting the head weighmen), shroffs whose pay does not exceed fifteen rupees a month. Daftaries, and muchies. Tallaties (village accountants in Bombay). Maistries in the public works department. Distributors and pressmen in printing and lithographing establishments. Any class of servants who have been graded as inferior by the rule or practice of the local Government.

Section **39**.—All other service is superior service. Superior service.

1. The service of the following officers is superior if their pay exceeds ten government rupees :—

(*a*). Cutlers in the medical department.—(*b*). Artificers, assistant artificers, and mounted artificers, in the telegraph department High class artificers

Superior and inferior service.

—(*c*). Mint artificers, if their occupation is injurious to health. —(*d*). Workmen employed in the gunpowder manufactory of Madras, before the 28th January 1871, when they become permanently disabled by sickness or old age.* These are admitted even if their pay does not exceed ten rupees.—(*e*). Divers (in consideration of the dangerous nature of their employment).—(*f*). Vaccinators, including, in the Madras Presidency, those whose pay is ten rupees.—(*g*). Book-binders, whose professional occupation is book-binding, and not mere daftaries.—(*h*). Shroffs, whose pay exceeds fifteen rupees a month. Also shroffs in Madras who were in the service on 22nd May 1856, and those in Bombay who were really clerks, and whose designation was, under the order of the Secretary of State, No. 1, dated 22nd October 1858, changed into karkuns.—(*k*). Kotwals of bazars.†—(*l*). Commissariat inspectors, hospital purveyors and victualing gomashtas. —(*m*). Wakils attached to the Barr infantry (Mysore).—(*n*). Workmen employed in printing establishments, except those whose work is purely mechanical, such as distributors and pressmen.—(*o*). Section-writers and press servants admitted under Section 20, in those months only in which their earnings exceed ten rupees. —(*p*). Tomandars and naib tomandars of the thuggee and dacoity department.—(*q*.) Zilladars in the North-West stud-breeding establishment.

Gunpowder factory, Madras

Divers.

Vaccinators.

Book-binders

Shroffs.

Bazar kotwals.

Commissariat.

Wakils.

Printing establishments.

Section-writers

For dockyard and military artificers there is no rule; but the Government of India, in the case of deserving men of long service, recommends the Secretary of State to award special pensions.

In the year 1862, the Government of Bombay recommended to H. M.'s Government that some rules might be laid down for the grant of pensions to the dockyard artificers in that Presidency. Though service as an artificer is treated as inferior, the local Government was of opinion that the nature of the service of the artificers employed in the Bombay dockyard is such as to entitle men of long service to special consideration. The Secretary of State in a despatch to the Government of Bombay, No. 106, dated 30th November 1863, expressed his unwillingness to lay down a general rule, but desired each case of lengthened and approved service to be submitted for special consideration. Some time after, the Government of India in the Military Department ordered, apparently with reference to the case of military artificers, that no application for pension to an artificer should be taken into consideration, unless the applicant had rendered forty years' meritorious service. But the Secretary of State (*Despatch to the Government of India, No.* 181, *dated* 28*th May* 1868), referring to his orders of 1863, in the case of the dockyard artificers, Bombay, desired that no fixed rule should be laid down, but that each case should be decided on its merits.

Under present rules, inferior servants are eligible for pensions and gratuities as in Section 63. But, with reference to the abovementioned orders, the case of military artificers and Bombay dockyard artificers will be specially considered as regards their claim to pension.

† On 14th December 1869 the following was declared to be the establishment of kotwals of bazars in Bombay, and officers who, on that date, filled these posts, may be classed with superior servants retrospectively in respect of service as kotwal or as chaudhary of any of the bazars enumerated.

Poona (two), Belgaum, Disa, Mhow, Nasirabad, Aden, Maligaum, Assirghar, Nimach, Ahmadabad, Ahmadnagar, Sholapur, Hydarabad, Jacobabad.

Periods of leave and suspension.

2. If an officer holds two or more offices, each of which is inferior by reason of the pay not exceeding ten rupees, he cannot count service as superior, on the ground that the aggregate pay exceeds ten rupees, unless the offices were arranged, and their pay determined, with the intention that they should be held by one individual.

Section 40 (*a*).—When the regular duties of an officer whose pay exceeds ten rupees, but who bears an inferior designation, are really such as are ordinarily performed by a superior servant, his claim to pension or gratuity should be specially referred to the Government of India. Doubtful cases.

(*b*).—On the other hand, an officer whose real duties are those of an inferior servant, even though his pay exceeds ten rupees, is not entitled to pension or gratuity on the superior scale, merely because he draws pay under a superior designation.

Example.—A lithographic pressman charged for as a copying clerk.

1. In consideration of the low scale of pay prevailing in Mysore during the native administration, the Chief Commissioner may allow service, even on pay not exceeding ten rupees in offices which must have been filled by educated men, to reckon as superior service. (*See Section* 66, *Rule* 1). But this concession shall not apply to an officer who was not in the service of the Mysore State before 1862, and who has not served continuously since that year.

2. A class of servants in the North-Western Provinces who were called "fotadars," but whose duties were really those of accountants, have been declared superior servants, under clause (*a*) of this section. Fotadars.

CHAPTER IX.

PERIODS OF LEAVE AND SUSPENSION.

Section 41.—Periods of absence on leave other than privilege or subsidiary leave are not reckoned as superior service. Leave subsidiary to leave on medical certificate is not reckoned as service in the case of an officer who has twice before had leave on medical certificate beyond India. Superior service.

1. This section applies to leave on medical certificate taken even before 1856. Such leave was reckoned as service under the old rules, but is not reckoned under the new rules, the periods of service required by which are generally shorter. Leave before 1856.

Forfeiture of past service.

2. Leave during recess, on half-pay, granted to native surveyors in the revenue survey department in Bengal, the North-Western Provinces, and the Punjab, being allowed for public reasons, is reckoned as service. Exception

3. Leave granted to an officer who is permitted to present himself at any examination which must be passed before a person is eligible for higher subordinate appointments such as deputy-magistracies, is reckoned as service (*Section* 13 *of Supplement F to the Civil Leave Code.*)

Section **42**.—An inferior servant counts periods of authorised leave as service. Inferior service.

1. Leave not exceeding in amount that admissible under the rules in Supplement F to the civil leave code, may, if granted by competent authority, be considered "authorised."

Section **43**.—The time passed under suspension pending enquiry into conduct, counts if the suspension is immediately followed by re-instatement. Time passed under suspension adjudged as a specific penalty does not count. Suspensions.

1. If an officer who has been suspended pending enquiry into his conduct is re-instated, but with forfeiture of any part of his allowances for the period of suspension, this period does not count. But the authority who re-instates the officer may expressly declare *at the time*, that the period shall count.

CHAPTER X.

FORFEITURE OF PAST SERVICE.

Section **44**.—A break in the continuity of service entails forfeiture of past service, except in the following cases :— Break in continuity.

(*a*).—Authorised leave. Leave.

(*b*).—Absence prolonged after the end of leave : Absence after leave.

Provided that if an officer remains absent for more than a week after the end of privilege leave, his past services are forfeited, unless the authority whose duty it is to make the appointment, re-appoints the officer and makes a declaration (to be communicated to the accountant general) that his past services, or part of them, shall qualify. If he remains absent for more than a month, his past services cannot count without a special order by the Government of India.

[NOTE.—This proviso has effect from 11th January 1869.]

Conditions of award of pension and gratuity.

(c).—Suspension immediately followed by re-instatement, which need not necessarily be to the *same office*. Suspension.

(d).—Abolition of office. Abolition of office.

(e).—Transit from one appointment to another. Transit.

(f).—Transfer to non-qualifying service in an establishment which is under Government control. The transfer must be made by an authority competent to sanction it; and an officer who voluntarily resigns qualifying service, cannot claim the benefit of this rule. Transfer to a grant-in-aid school always entails forfeiture. Transfer to non-qualifying service.

(g).—Loss of appointment owing to the mutiny, provided that the officer affected cleared his character, and was re-appointed as soon as a suitable vacancy was found for him. Mutiny.

Section 45.—Resignation of the public service, or removal from it on account of misconduct, or for inefficiency, or on account of failure to pass a prescribed examination, entails forfeiture of past service. Removal from office.

1. But an officer who resigned the public service, before the 8th June 1863 if he was a superior servant, and before 1st September 1871 if he was an inferior servant, and was re-appointed to the public service within twelve months from his resignation, is permitted to count the service rendered before resignation. This rule can be applied to only one resignation.

CHAPTER XI.

CONDITIONS OF AWARD OF PENSION AND GRATUITY.

Section 46.—Pensions and gratuities are of four classes: Classification.

A.—Compensation pensions and gratuities.

B.—Invalid pensions and gratuities.

C.—Superannuation pensions and gratuities.

D.—Retiring pensions.

[NOTE.—Pension or gratuity may not be granted to an officer whom it is desired to remove for misconduct or inefficiency.*]

* *Despatch from the Government of India, to the Secretary of State for India, No.* 39, *dated* 17*th January* 1873.

We have the honor to report, for Your Grace's approval, that we have sanctioned a compassionate allowance of * a month to * whom it is considered expedient to remove from the service on account of intemperate habits.

Conditions of award of pension and gratuity.

1. A gratuity is paid in a single sum, and not by instalments.

2. An officer may be admitted to pension or gratuity while absent on leave in, or out of, India.

A.

Section 47.—A COMPENSATION pension or gratuity is awarded to an officer discharged from the public service because, on a reduction of establishment, his appointment is abolished. Compensation pension.

1. To pension an officer still capable of useful service is a waste of public money; and every endeavour should be made to employ the officer in some other office. Accordingly, before a pension or gratuity is granted to an officer discharged on abolition of appointment, it must be carefully considered whether he cannot be thus provided for. The head of a department, in forwarding an application for compensation pension or gratuity, should invariably state for what reasons it has been found impossible to provide suitable employment for the applicant; and in the quarterly state-

2. We take this opportunity of representing to Your Grace that we often experience great difficulty from the rules in force not allowing the grant of a pension when, owing to inefficiency, which may, perhaps, not always be his fault, an officer is no longer able to perform satisfactorily the duties required of him.

3. We forward herewith a copy of papers relating to the case of A B as an illustration of this inconvenience. After serving Government for about 28 years, A B was removed for inefficiency, for which he was clearly not to blame.

4. Even the rules applicable to pension on medical certificate would not always meet such cases, and we should be glad to be allowed to exercise a discretion in granting to officers, whom it is desirable to remove from the service for inefficiency, due to whatever cause, such pension as may in each case seem to us expedient. We should limit such pension, ordinarily, to the amount admissible under Section 56 of the civil pension code: it would probably be very seldom necessary to grant even so much.

5. What we wish is to be able to discharge, upon some reasonable conditions, an officer whom it is not desired to keep in the public service, but whose conduct has not been such as to justify his dismissal without any provision for his subsistence, or, perhaps, the infliction upon him of any penalty whatever.

Despatch from Her Majesty's Secretary of State for India, No. 133, *dated 27th March* 1873.

PARA. 1. I have considered in Council your financial letter, dated the 17th January 1873, No. 39, reporting the circumstances under which you have sanctioned the grant of a compassionate allowance of a month to A. B. and requesting to be "allowed to exercise a discretion in granting to officers, whom it is desirable to remove from the service for inefficiency, due to whatever cause, such pension as may in each case seem to you expedient."

2. I confirm the grant of this compassionate allowance to A B, but I cannot sanction any general arrangement by which pensions not authorised by existing rules could be granted without reference to the Secretary of State. I shall, however, be prepared to consider any proposal you may make for the grant of a special pension in a case of the nature to which you refer; but such proposed grant should always be made to, and be sanctioned by, me, before any communication on the subject is made to the officer concerned.

Conditions of award of pension and gratuity.

ments furnished by local governments of such pensions and gratuities, it should be stated in respect of each case, that it has been found, after careful enquiry, impossible to provide for the officer elsewhere.

2. Whenever, upon the reduction of an establishment, it is necessary to discharge one or more members thereof, the selection of the officers to be discharged, should, *primâ facie*, be made in such way that the least charge for compensation pension or gratuity is incurred.

Cannot refuse re-employment.

3. An officer discharged with a compensation pension may not, on pain of losing his pension, refuse to accept any appointment which the local Government thinks fit, within six months from the date of his discharge, to offer to him.

The salary of such new appointment must not, however, be less than enough to raise his total receipts under the operation of Section 92 to the amount which he received as salary immediately before his discharge. Nor should the new appointment be such as the officer may not reasonably and equitably be expected to accept.

4. Rule 3 applies also to the case of an officer entitled to compensation pension who is transferred to another appointment simultaneously with the abolition of his own appointment under proper authority. To such an officer a compensation pension may be simultaneously awarded, subject always to the limitation prescribed by Section 92.

Explanation

5. The discharge of one officer to make room for another better qualified, is not the abolition of an appointment within the meaning of this section; the abolition must produce a real saving to Government in respect of the cost of the appointment. Particulars of the saving effected should be fully set forth in every application for compensation pension or gratuity. The saving should always exceed the cost of the pension or gratuity. Otherwise it might be better to postpone the reduction of establishment or abolition of appointment.

6. If it becomes necessary to discharge an officer in consequence of a change in the nature of the duties of his office, the case should be referred to the Government of India.

7. An appointment, the pay of which is reduced as part of a general scheme of reduction, may be considered abolished within the meaning of this section. But in such case it would often be better to grant a personal allowance than a pension.

Abolition of one of two appointments.

8. If, of two appointments held by one officer, one is abolished, and the other retained, the case should be specially submitted to the Government of India.

Graded officers.

9. Deputy collectors, munsifs, and similar officers, who belong to the public service apart from their particular local appointment cannot obtain a compensation pension or gratuity, in consequence of the abolition of a particular appointment.

Excepted cases.

10. No pension or gratuity may be awarded to an officer on discharge after the completion of a specified term of service.

11. No pension or gratuity may be awarded for the loss of a local allowance.

Conditions of award of pension and gratuity.

Section 48.—If an officer, who is entitled to receive compensation pension or gratuity, accepts, instead, another appointment in the Government service, (whether qualifying or not), and subsequently becomes again entitled to receive a pension or gratuity of any class, he should not receive less than he could have claimed if he had not accepted the appointment. Transfer to an appointment of less value.

B.

Section 49.—An INVALID pension or gratuity is awarded to an officer who, by bodily or mental infirmity, is permanently incapacitated— Invalid pension

(*a*).—For the public service, or—

(*b*).—For the particular branch of it to which he belongs.

1. An officer discharged on other grounds, has no claim under this section, merely because he can produce medical evidence of incapacity for service.

2. To prevent undue liability for invalid pensions, no person may be appointed to a superior grade in the public service in India without a certificate in the annexed form by a commissioned medical officer, or by a medical officer in charge of a civil station. This certificate must be annexed to the first bill submitted for the pay of the officer. A similar rule is enforced by the Secretary of State in respect of persons selected by him for service in India. Medical certificate on first appointment.

CERTIFICATE.

I do hereby certify that I have examined A B, a candidate for employment in the ———————— Department, and find that he has no disease, constitutional affection or bodily infirmity unfitting him, or likely to unfit him, for the public service in any part of India.

3. But if an officer, who is appointed on a salary not exceeding fifty rupees a month, cannot conveniently appear before a commissioned medical officer or a medical officer in charge of a civil station, the local government may accept a certificate in such form as it considers sufficient, from any other officer, who need not even be a medical man.

4. No medical certificate is necessary upon an officer being promoted from inferior to superior service.

5. Rule 1 under Section 47 applies, *mutatis mutandis*, in the case of an officer invalided under clause (*b*), only because he is not fit for employment in some particular branch of the public service. Every effort should be made to find for such an officer, other employment suited to his particular capacity.

Section 50.—If the officer applying for pension or gratuity is sixty years old or upwards, no certificate Medical certificate by whom attested.

Conditions of award of pension and gratuity.

by a medical officer is necessary. It will suffice for the head of the office to certify to the incapacity of the applicant. Otherwise incapacity for service must be established by a medical certificate attested as follows:—

(*a*).—If the officer submitting it is on leave in England, by the medical board of the India Office.

(*b*).—If he is serving at any presidency town, by the Surgeon General of the Indian Medical Department.

(*c*).—If he is a superior servant and is serving within a moderate distance from a station where a military invaliding committee is periodically assembled, by such committee.

(*d*).—In other cases, the local Government may either accept a certificate given by a single commissioned medical officer or medical officer in charge of a civil station, or assemble a special invaliding committee at a convenient civil station. If the pension applied for exceeds Rs. 100 a month, a certificate by a single medical officer should not be accepted as sufficient, if it is possible, without undue inconvenience, to assemble an invaliding committee, or to cause the applicant to appear before the Surgeon General, Indian Medical Department.

Medical certificate what to contain.

Section 51.—The medical certificate must be in the following form:—

CERTIFICATE.

Certified that I or we *(as the case may be)* have carefully examined A B, son of C. D, a———————— in the————————————————————
His age is, by his own statement,————years, and, by appearance, about————years. I (*or* we) consider A. B. to be completely and permanently incapacitated for further service of any kind or *(as the case may be)* in the Department to which he belongs, in consequence of *(here state disease or cause)*. His incapacity does not appear to us to have been caused by irregular or intemperate habits. *(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly, and the following addition should be made)*.

Conditions of award of pension and gratuity.

I am (or we are) of opinion that A. B. is fit for further service of a less laborious character than that which he has been doing, or may, after resting for——— months, be fit for further service of a less laborious character than that which he has been doing.

A succinct statement of the medical case and of the treatment adopted should, if possible, be appended.

Pension awarded accordingly.

Section 52.—If the incapacity is the result of irregular or intemperate habits, pension or gratuity cannot be granted. Otherwise, it is for the local Government to decide whether the officer's incapacity is such as to render it necessary to admit him to invalid pension or gratuity.

1. An officer who has submitted a medical certificate of incapacity for further service must not, (except for special reasons to be reported to the local Government), be retained in the service pending the decision on his application for pension. The object of this rule is to discourage tentative applications.

C.

Superannuation pension.

Section 53.—A SUPERANNUATION pension or gratuity is granted to an officer compelled, by rule, to retire at a particular age.

1. An officer in a superior grade who has attained the age of fifty-five years, may be required to retire, unless the local Government considers him efficient, and permits him to remain in the service. But, as the premature retirement of an efficient officer imposes a needless charge on the State, this rule should be worked with discretion. No officer can *claim* to retire on the ground that he is fifty-five years old.*

2. If an officer whose age is less than sixty years, is required to retire under Rule 1, the chief of his office must certify under the head of " Any other remarks," on the third page of the application for his pension or gratuity, that the applicant is inefficient owing to age or infirmity.

3. An annual return of officers permitted to remain in the service after the age of fifty-five years, should be submitted in the

* The Secretary of State wrote regarding this rule in public despatch No. 87, dated 8th August 1872: "I trust that the various Governments and Administrations will always be disposed to extend to this rule a very liberal interpretation, and that the State may, in no case, be deprived of the valuable experience of really efficient native officers by the untimely exercise of the powers of compulsory retirement on pension.

Amount of pension or gratuity.

subjoined form to the Government of India in the administrative department concerned:

1. No.—2. Office—3. Name of officer—4. Present age—5. Period of extension—6. Grounds of extension, and remarks.

4. In the public works department, Rule 1 will not, until the 1st January 1876, apply to any officer appointed to the department before the 1st January 1871, unless he has attained the age of sixty years, or has been in the same appointment, grade or class, for five years.

D.

Section 54.—A RETIRING pension is granted to an officer who voluntarily retires after completing the requisite period of service. Retiring pension.

CHAPTER XII.

AMOUNT OF PENSION OR GRATUITY.

[NOTE.—For the definition of the words "pay," "emoluments," and "average emoluments," as used in this chapter, see chapter XIII.]

Section 55.—THE AMOUNT of pension or gratuity that may be granted is determined by length of service, as specified in Sections 56, 57, and 58. Explanation.

1. An officer entitled to pension is not permitted to take a gratuity instead of pension.

2. A pension or a gratuity (except a pension granted under Section 62) is fixed in rupees and not in sterling, even though it is to be paid in England.

A.—FOR SUPERIOR SERVICE.

Section 56.—Compensation and invalid pension and gratuity: Compensation and invalid pension.

(*a*).—*After a service of less than fifteen years:*—

A gratuity, not exceeding (except in special cases, and under the orders of the Government of India) one month's emoluments for each completed year of service; and not, under any circumstances, exceeding twelve months' emoluments in all.

1. Broken periods of a year are not to be taken into account in calculating the amount of any gratuity admissible to an officer under any rule in the code.

(*b*).—*After a service of fifteen years and less than twenty-five years:*—

Pension, not exceeding one-third of the officer's average emoluments; and, also, not exceeding Rs. 3,000 a year, or, if his average emoluments do not exceed Rs. 12,000 a year, Rs. 2,000 a year.

Amount of pension or gratuity.

(c).—*After a service of twenty-five years :—*

Pension, not exceeding one-half of the officer's average emoluments; and, also, not exceeding Rs. 5,000 a year, or, if his average emoluments do not exceed Rs. 12,000 a year, Rs. 4,000 a year.

Section **57**.—Superannuation pension and gratuity : Superannuation pension.

The same in amount as invalid pension or gratuity :

Proviso.—If an officer's qualifying service began after the 20th January 1871, and after he attained the age of twenty-five years, the pension admissible as invalid pension is to be multiplied by a fraction, the numerator of which is the number of years' service completed, not exceeding 30, and the denominator of which is 30. The limit of Rs. 2,000, Rs. 3,000, Rs. 4,000, or Rs. 5,000, is to be applied before, and not after, this multiplication.

1. For educational officers entitled to the benefit of Section 61 (a), "27" should be substituted "for 30" in this proviso.

Section **58**.—Retiring pension : Retiring pension.

After service of thirty years:—

The same in amount as an invalid pension admissible after twenty-five years' service.

Section **59**.—In the following cases, the several prescribed maximum limits of Rs. 2,000, Rs. 3,000, Rs. 4,000, and Rs. 5,000 a year may be relaxed : Extension of the maxima.

(a).—For an officer whose average emoluments exceed Rs. 10,000 a year, and who entered the service before the 19th May 1855, or who was, before the 6th August 1862, promoted to a salary exceeding Rs. 10,000 a year, the maximum pension is, ordinarily, Rs. 5,000.

But, if the service of such an officer has been of extraordinary merit, a pension exceeding Rs. 5,000 may be recommended for the sanction of the Secretary of State.

(b).—To an officer who entered the service before the 19th May 1855, but whose average emoluments do not exceed Rs. 10,000 a year, the Secretary of State, on the recommendation of the Government of India, sometimes grants a special pension in excess of the prescribed maximum, for "unusually meritorious services."

(c).—For a native judge (*see appendix B*) who was in the service on the 29th October 1866, the limit is ordinarily Rs. 5,000.

Amount of pension or gratuity.

NOTE.—The limits which may be relaxed under this section are the *maximum money limits,* and not the limits of one-third or one-half average emoluments.]*

* *Extract from a Financial Despatch from Her Majesty's Secretary of State for India, No.* 401, *dated* 24*th September* 1872.

3. You inquire whether it is open to your Government, under section 59 of the civil pension code, to recommend to the Home Government the grant of special pensions, not only in excess of the money limits prescribed by the rules, but also in excess of the limits of one-third or one-half of average emoluments, as the case may be.

4. The pension code published by you merely embodies existing rules as to the grant of pensions, and interpretations thereof, and is intended for the guidance and information of your officers; but it can scarcely be held to absolutely preclude your Government from making any special representation to the Secretary of State you may see fit in any particular case.

5. The inconvenience, however, of recommending uncovenanted servants for special pensions unauthorised by the rules was pointed out in paragraphs 7 to 9 of the financial despatch, dated 30th September 1863, No. 174,* and I see no reason to modify the opinion therein expressed.

6. Under these circumstances, I consider that it would be inexpedient to alter the pension code as proposed by you.

* *Extract from a Financial Despatch from Her Majesty's Secretary of State for India, No.* 174, *dated* 30*th September* 1873.

7. I approve of your having granted to A B a pension of Rs. 250 a month, which is equivalent to half of his salary, that being the greatest proportion to which the rules entitle any uncovenanted officer. I cannot, however, allow the special pension which you recommend of Rs. 333-4, which is the equivalent of two-thirds of his salary, and which greatly exceeds the relative pension granted to covenanted servants who have completed their full period of service. But, in consideration of your strong recommendation, and of the high character borne by A B, I authorise the grant to him of a special pension of Rs. 50 a month, in addition to that of Rs. 250 to which you have already admitted him.

8. I take this opportunity of calling your attention to the practice of recommending uncovenanted servants for special pensions. The code of rules which was published on the 4th of January 1831 prescribed that "the rates of pensions shall be fixed on a graduated scale, within the prescribed limitations, with reference to the responsibility and arduousness of the employment, the degree of merit of the individual, and the nature and length of his service;" and, in my financial despatch of the 8th of December 1862, No. 205, I observed (paragraph 9) that "pensions of the full amount stated are to be granted only as the reward of approved service." It appears, however, to be the custom for heads of departments in India to recommend, in nearly every case, the full amount of pension which the rules permit; and whenever the service rendered has been at all above the average character, a special pension is recommended in excess of that which the rules authorise.

9. It cannot be too strongly insisted upon, and made known to the whole body of uncovenanted officers, that the full pension authorised under the rules is not to be given as a matter of course, but only where the service performed has been really such as to merit the approval of Government, and this should be invariably kept in view in considering recommendations for pension. It is easy for your Government to keep within the limits which the rules authorise; but there is a manifest inconvenience in the Home Government refusing to grant a special pension which may have been submitted to them with the weight which must always attach to a recommendation by your Government.

Amount of pension or gratuity.

Section **60**.—The full pension or gratuity admissible under the rules is not to be given as a matter of course, or unless the service rendered has been really approved. Explanation as to full pension.

1. If the service has not been thoroughly satisfactory, the local Government should make such reduction in the amount of pension or gratuity as it thinks proper.

Section **61**.—In the following cases, certain privileges exist in respect of the length of service required for pension: Privileges in counting service.

(*a*).—To the following officers, pension is admissible after three years' less service than is required from other officers, provided that they began service after twenty-five years of age: Educational officers.

(1).—Directors of public instruction, inspectors of schools, principals and professors of colleges, and head masters of schools and colleges.

(2).—Barristers of England or Ireland, or members of the faculty of advocates of the court of session of Scotland, serving in offices to which the local Government has, with the consent of the Government of India, declared it to be necessary to appoint barristers of England or Ireland, or members of the faculty of advocates of the court of session of Scotland.

To entitle an officer to the benefit of this rule, the whole of the service for which pension is claimed must have been passed in one or other of the offices indicated.

(*b*).—An officer appointed before the 8th June 1863 may be permitted by the Government to count service for an *invalid* pension at one-third or one-half of his average emoluments according to the old rules: provided that he has not enjoyed any advantages under the new leave rules which he might not equally have enjoyed under the old. The *amount* of the pension must, however, be calculated in accordance with the rules in this chapter and chapter XIII. Officers appointed before June 1863.

Example.—An officer has served Government for twenty-one years, of which five years were passed before he was twenty-two years old, and two years were passed on leave on medical certificate under the rules of 1856. His service calculated under the rules is only fourteen years, the rest being excluded by sections 12 and 41, and he would not be entitled to pension under section 56 (*b*); but under the old rules (*see appendix B*) the whole twenty-one years would count, and he would be entitled to pension under section 56 (*b*), having completed the twenty years' service required by the old rules.

Anount of pension or gratuity.

(*c*).—Native judges who were in the service on the 29th October 1866, and who were entitled to exceptional advantages under the old rules (*see appendix B*) may count service for one-third and one-half pension in accordance with the old rules. Native judges.

(*d*).—Uncovenanted officers who formed part of the garrison of Lucknow, during the siege in 1857, count one year's additional service. Lucknow garrison.

Section 62.—To the following officers, being barristers of England or Ireland, or members of the faculty of advocates of the court of session of Scotland, *viz.*: Barrister-appointments.

Judges of the chief court of the Punjab; First judges of small cause courts of presidency towns; Recorder of Rangoon; Secretary to the council of the Governor General for making laws and regulations, (formerly assistant secretary in the home department, legislative branch)

invalid and retiring pensions are admissible as follows:

(*a*).—After six years and nine months' active service in one or other of the offices specified in this section;—an invalid pension of £300 a year.

(*b*).—After eight years and eight months' such service;—an invalid pension of £500 a year.

(*c*).—After eleven years and six months' such service;—a retiring pension of £750 a year.

1. Active service here includes, besides time spent on duty, privilege leave, subsidiary leave, and periods of vacation during which the officer is not on furlough or extraordinary leave.

2. Saving as provided for by this section, these officers come under the ordinary rules.

B.—FOR INFERIOR SERVICE.

Section 63.—FOR INFERIOR service, pension and gratuity may be granted as follows:— For inferior service.

(*a*).—Compensation and invalid gratuity:

Service of	less than 5 years,—nil.						
„	5 years and less than 10 years,—3 months' pay.						
„	10	„	„	15 „	—4	„	„
„	15	„	„	20 „	—5	„	„
„	20	„	or more	„	—6	„	„

(*b*).—Compensation pension:

Service not less than 30 years;—half pay not exceeding four rupees.

Calculation of pension and gratuity.

(*c*).—Invalid pension:

Service not less than 35 years;—half pay not exceeding four rupees.

1. In special cases the Government of India grants more than half pay; but never more than four rupees.

2. For inferior service in Mysore no pensions are given. But compensation and invalid gratuities may be granted at the rate of one month's pay for each year of service (without limit as to the number of years' service,) the pay to be taken at the average of the last three years. Inferior servants on the sowar establishment and on the establishments attached to the Barr infantry come under this rule.

3. To servants of the Mysore palace establishment, pensions may be granted at the rates prescribed in this section; and the Chief Commissioner may grant compassionate pensions to helpless old servants not entitled to regular pensions. A portion, not exceeding half, of the pensions of these servants, may be continued to their widows, if they have no other means of subsistence, and if no arrangement can be made to employ any member of the family.

C.—FOR SERVICE PARTLY INFERIOR AND PARTLY SUPERIOR.

Service partly inferior and partly superior.

Section 64.—If the service of an officer have been for some time inferior and for some time superior, he has the option of counting the whole as inferior service towards pension or gratuity on the inferior scale, or of counting so much of it as is superior towards pension or gratuity on the superior scale.

Section 65.—If an officer has been promoted from an inferior to a superior grade as a reward for meritorious service, the case will be specially considered by the Government of India.

1. This rule is to be strictly interpreted, and claims under it can be founded only on exceptional promotion, made out of the ordinary course.

CHAPTER XIII.

CALCULATION OF PENSION AND GRATUITY.

Meaning of "pay" and "emoluments."

Section 66. (*a*).—The words "pay" and "emoluments" used in CHAPTER XII mean the pay and emoluments which the officer was receiving immediately before his retirement from service.

Calculation of pension and gratuity.

(*b*).—"Average emoluments" means the average calculated upon the last five years of service.

1. In the case of an officer claiming the benefit of section 40, Rule 1, "average emoluments" means the average calculated for the whole of the service necessary to qualify for the pension granted, excluding any excess service rendered before the commencement of the necessary period; and a gratuity is to be calculated on "average emoluments" (as defined in this section) instead of on "emoluments."

2. If, during the last five years of his service, an officer has been absent on leave with allowances, or has been suspended and reinstated without loss of service under section 43, his emoluments, for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent on leave or suspended: provided always that his pension be not increased on account of increments in pay not actually received. But if the leave is reckoned as service under section 41, Rule 2, only the allowances actually received during the leave should be taken into account. Periods of leave &c.

3. If, during the last five years of his service, an officer has been, for a period, without allowances, or in inferior service, or suspended under such circumstances that the period of suspension does not count as service, such period should be disregarded in the calculation of the average, an equal period before the five years being included.

4. Excepting as provided in Rules 2 and 3, only emoluments actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not reckoned in the calculation.

5. If an officer has held more than one appointment, in respect of each of which, if he had held it separately and alone, pension or gratuity would have been admissible to him, the pension or gratuity, or pension and gratuity, admissible to him, is the sum of the several pensions or gratuities, or pensions and gratuities which would have been admissible to him if he had held each office separately and alone. The consolidated pension thus admissible is subject to the limitations prescribed in section 56 (*b*) and (*c*).

An officer is not entitled, for service in an office conjointly with another office, to any pension or gratuity which would not have been admissible to him if he had held the office separately and alone. Definition of emoluments.

Section 67. (*a*).—In the term "emoluments" are included the following:—

(1).—Pay of substantive appointment; (2).—Personal allowance; (3).—Fees or commission, if they are the

Calculation of pension and gratuity.

authorised emoluments of an appointment, and are *in addition* to a substantive pay; and commission in the case of a thoogyee; (4).—Field allowances (*i. e.*, horse and tent allowances) of surveyors and assistant surveyors; (5).—Charge allowance to signallers in the telegraph department; (6).—Bullock train and Punjab military horse van dâk allowances in the post office department.

(*b*).—Other allowances are excluded, such as—

(1).—Local allowances; (2).—Allowances given for duties performed in addition to the work of a regular appointment; (3).—Messing allowances, working allowances, and provision allowances to officers in the marine department; (4).—House-rent allowance, or estimated value of free quarters; (5).—Tour and other allowances (to officers who accompany the Viceroy or any Government); (6).—Compensation for dearness of provisions.

(*c*).—Acting allowances may not be included, unless the acting service is counted under section 17, Rule 2. Acting allowances.

1. When an officer in permanent employment is deputed on temporary duty, he cannot count the additional allowances obtained by the deputation. (*Section* 18.) Deputation allowances.

2. But this rule does not apply to an officer deputed to service in the income tax department, or to an officer deputed on abolition of his appointment to special duty (*Section* 19); nor to an officer who at the time of the abolition of his appointment was on special duty. In these cases the full allowances are taken.

3. When an officer is *temporarily* transferred to service not under the control of Government, and does not pay any contribution under Chapter VII, he cannot count, for the time passed in such service, higher pay than he had when he was transferred to it.

4. In the case of section-writers and press servants whose service qualifies under section 20, "pay" and "emoluments" mean the average earnings of the last six months of service. (If the gratuity is on the superior scale, this means the average of the last six monthly bills exceeding ten rupees. (*See Section* 39, *Rule* 1 [*o*].) "Average emoluments" means the average of the last seventy-two monthly bills exceeding ten rupees. Section-writers

5. In cases falling under Clause (*a*) (3) of this section "emoluments" means the average earnings of the last six months of service.

Application for pension or gratuity.

Section 68.—Any part of an officer's pay or emoluments which is intended to provide for expenses incidental to his duty, must be excluded. Net emoluments only to be taken.

Examples.—When a horseman's pay is intended partly to cover the expense of keeping a horse, his pay must be taken only at what would be paid to a footman of the same rank.

When a consolidated pay specifically includes tentage, travelling allowance, or house allowance, these must be deducted in calculating the pension.

The commission paid to a thoogyee in Burmah goes in part to pay expenses of collection and remittance of money. Account must be taken of the remainder only.

1. So also when an officer's pay is given at two rates, a smaller rate during stationary duty, and a higher rate during periods passed on tour or travelling, the former rate alone should be the basis of the calculation.

CHAPTER XIV.

APPLICATION FOR PENSION OR GRATUITY.

Section 69.—Every NON-GAZETTED officer, with the exception of police officers whose pay does not exceed twenty rupees, and officers in the post office department and the inland customs department whose pay does not exceed ten rupees, is required to keep a service book in which should be entered a statement of every step in his official life, each entry being attested at the time by the immediate head of the office in which he is serving. For officers of the inland customs department, whose pay does not exceed ten rupees, a roll must be kept such as is prescribed in section 109 (*a*) for the police. Service books to be kept.

If the officer is himself at the head of an office (*e. g.*, a deputy post master or a sub-inspector of police), the attestation should be made by his immediate superior.

1. The opening page should be divided for entries in the following form:

(1) Name of officer. (2) Caste or race. (3) Residence. (4) Father's name and residence. (5) Age. (6) Exact height by measurement. (7) Personal marks for identification. (8) Date on which page is filled up. (9) Signature of officer. (10) Signature and designation of the head of the office.

Application for pension or gratuity.

The entries in this page should be renewed or re-attested at least every five years.

2. The remaining pages should be divided for entries in the following form :

(1) Name of appointment. (2) Whether substantive or acting, and whether permanent or temporary. (3) If acting, here state the substantive appointment. (4) Pay. (5) Acting allowance. (6) Date of commencement of appointment. (7) Signature of officer. (8) Character of officer.* (9) Signature and designation of immediate head of the office. (10) Date of termination of appointment. (11) Reason of termination (such as promotion, transfer, dismissal, &c). (12) Signature of immediate head of the office.

No entries need be made in column 8 except when there is anything especially good or bad to be recorded.

3. Leave of every description (except casual), every period of suspension from employment, and every other break of service, should be noted, with full detail of its duration, by an entry written across the page, and attested by the head of the office.

4. A service book is supplied, at his own cost, to every officer on his first appointment.

5. The service book of an officer is to be kept in the office in which he is serving, being transferred with him from office to office. It may be given up to the officer if he resigns or is discharged without fault, an entry being first made therein to this effect.

6. Every officer is charged with the duty of seeing that his service book is properly kept up, and that all erasures in it are properly attested. If the book is not carefully kept up, difficulties may arise as to verification of service, should the officer afterwards apply for pension or gratuity.

Application for pension, non-gazetted officers.

Section **70**.—An applicant for pension or gratuity, not being a gazetted officer, should submit to the authority, whose duty it would be to fill up his appointment if vacant, his service book, and a statement of the following particulars :

(*a*).—The date of the Christian era on which the applicant was born. (*b*).—List of appointments, substantive and acting, held during the service for which pension or gratuity is claimed, showing, when any appointment

* *Circular of the Government of India, in the Home Department, dated 15th June* 1869.

The Governor General in Council has recently had under consideration a case in which a public officer, the head of a department, in granting a certificate to one of his subordinates, suppressed the true reason for which the subordinate had been removed from his appointment. Such an omission may, obviously, be injurious to the interests of the public service. I am therefore directed to draw attention to the subject and to request the issue of orders to all public officers warning them to be careful in giving certificates to their subordinates to state the whole truth in respect of character and cause of dismissal or resignation of appointment.

Application for pension or gratuity.

was only an acting one, what substantive appointment was held at the same time. The dates of the beginning and end of each appointment should be stated, and the pay and acting allowance drawn in each. (*c*).—Dates of beginning and end of each period of leave. (*d*).—An explanation of each break in continuity of service.

Section **71**.—The authority receiving the application should then, in communication with the account department, verify the services claimed. Verification of service.

1. If the service has been, wholly or in part, inferior (regarding which service the records of the account offices are sometimes incomplete), he should first gather from official records and other sources all the information procurable. In respect to superior service, it will be sufficient to gather, in the first place, only such information as is *easily* procurable.

2. The information thus received should then be forwarded to the account officer concerned, *viz.:*

For service in the ordinary civil establishments—	To the accountant general;
„ „ the public works department—	„ the controller of public works accounts;
„ „ the post office department—	„ the compiler of post office accounts;
„ „ the telegraph department—	„ the controller of telegraph accounts;
„ „ the military and marine departments—	„ the controller of military accounts;
„ „ the forest department—	In Madras and Bombay, to the accountant general; in other places, to the provincial conservator;

for information as to whether his office records bear out the applicant's statements. If there be any discrepancy, the account officer will detail the nature of such discrepancy; for instance, that the post which the applicant states that he filled during a certain period is shown, by his registers, to have been filled by another man.

3. If the service claimed cannot be wholly verified from the records of the account offices, reference must be made to the head of the office in which the applicant states that he served during the period in doubt.

4. If it be found impossible to verify the service otherwise, the officer receiving the application should take the affidavit of the applicant (on plain paper,—*see General Stamp Act*, 1869, *section* 15, *clause* 12), and should also collect such collateral evidence as may be procurable: for instance, certificates, such as those given

Application for pension or gratuity.

by an officer to a subordinate, on his leaving an office, and the testimony of contemporary servants.

5. The service will be admitted or rejected, upon consideration of the whole evidence thus afforded.

Form of application.

Section **72**.—After completing the verification in the manner prescribed in Section 71, the officer should draw up the application in form A, appendix A, and, arranging with it all the documents relied upon for verification of the service claimed, in such manner that they can be conveniently referred to, forward it, together with the officer's service book, through his official superiors to the local Government.

1. He should certify, on the application, whether the character, conduct, and past services of the applicant are such as to entitle him to the favorable consideration of the Government. If the application is for pension or gratuity on the superior scale, he must be careful to enter all periods of leave, suspension, &c., which are not reckoned as service.

2. If the application is for an invalid pension or gratuity, the requisite medical certificate should be attached to the application. But if omission has been made in this respect, the local Government may accept a certificate bearing a later date.

Gazetted officers

Section **73**.—A GAZETTED OFFICER should submit his application through his official superiors to the local Government. The application should be drawn up, in the form prescribed in Section 72, either by the officer himself or by the head of the department in which he is serving; and the rules under that section apply, save that it is not necessary to have the service formally verified before forwarding the application.

Accountant general's report.

Section **74**.—The last officer through whom the application for pension passes should send it to the chief provincial account officer of the department, instead of forwarding it direct to the Government. The account officer will, (after verifying the service in the manner prescribed in Section 71), submit the application to the local Government with a report upon the claim for pension or gratuity, and the rules applicable to the case. He will also certify the correctness of the calculations of service, and of pension or gratuity.

1. If the case is plainly incorrect or incomplete, the accountant general should return it for correction or explanation.

Powers of Local Governments and of the Government of India.

2. In the post office department, the compiler being subordinate to the director general, the application should go to him first, and to the director general afterwards.

3. In the column of form A reserved on the second page for the remarks of the account officer, he should note briefly his reasons for disallowing any service claimed, and his explanation of any apparent discrepancies and the like. This rule applies to the case of both gazetted and ungazetted officers.

CHAPTER XV.

POWERS OF THE LOCAL GOVERNMENT AND OF THE GOVERNMENT OF INDIA.

Power to grant pensions.

Section **75.**—In a case falling clearly and strictly within the letter of the rules, the local Government may grant the pension or gratuity admissible. If any interpretation of the rules is involved, or if any indulgence not provided for by the rules is proposed, the local Government should submit the case, with its opinion and recommendation,* to the Government of India. Until the reply of the Government of India is received, a recommendation of this nature must never be communicated, directly or indirectly, to the officer concerned.

1. The Governments of Bombay and Madras should, upon questions of pension and gratuity, communicate with the secretary of state, through the supreme Government, and not directly.

Quarterly statements.

Section **76.**—Quarterly returns of pensions and gratuities granted should be submitted by each local Government to the supreme Government in form C, appendix A, (one for pensions, and another for gratuities), within a month after the end of each quarter.

1. The statements of pensions and gratuities granted by the Governments of Bombay and Madras in the military department should be separate from the statements of those granted in the civil department.

Government of India.

Section **77.**—All claims to pension and gratuity are considered by the Government of India in the financial department. But the Government of India exercises in each of its other departments, the powers of

In respect to such recommendations, see foot-note on page 55.

Manner of payment.

local Government over officers serving immediately under its orders. No quarterly returns of the pensions and gratuities granted in the other departments of the Government of India are required; the papers of each case should be forwarded for perusal in the financial department.

Section **78**.—Pensions and gratuities in excess of the amounts admissible under rule, or involving any relaxation of rule, require the sanction of the Secretary of State.* Secretary of state.

1. The Government of India is ordinarily unwilling to pass orders on questions affecting the pension of an officer until he actually retires. Memorials which relate to such questions, addressed prematurely to the Secretary of State, are uniformly returned.

CHAPTER XVI.

MANNER OF PAYMENT.

Section **79**.—The order sanctioning the grant of a pension or gratuity to be paid in India should be forwarded, with a copy of the first page of the formal application, to the accountant general of the province in which payment is to be made. Sanction of pension.

Section **80**.—The accountant general will then, in the case of a pension, forward a permanent-payable-order in form B, appendix A, to the officer who is to pay the pension. Permanent-payable-order.

1. This officer will deliver one-half of the order to the pensioner and keep the other half, carefully, in such manner that the pensioner shall not have access thereto.

2. Each payment made is to be entered on the reverse both of the pensioner's half and of the disbursing officer's half of the order, both entries being attested at the time of payment by the signature of the disbursing officer. When the reverse of a permanent-payable-order is filled up, or when the pensioner's half is found to be worn or torn, both halves should be returned to the accountant general for renewal.

3. If a pensioner loses his half of the permanent-payable-order, the disbursing officer's half should be returned to the

* See foot-note on page 55.

Manner of payment.

accountant general, in order that he may issue a new order. The requirements of Rule 2 will prevent any payment being made on the half alleged to be lost.

Section 81.—A pension is payable in India in monthly instalments. The pension for each month is payable on the first day of the following month. Pension when payable.

1. Apart from special orders, a pension, other than an extraordinary pension under CHAPTER XXII, is payable from the date on which the pensioner ceased to be borne on the establishment, or from the date of the application, whichever is later. The object of this latter alternative, is to prevent unnecessary delay in the submission of applications. The rule may be relaxed, in this particular, by the local Government when the delay is sufficiently explained.

Section 82 (*a*).—Unless specially exempted by the local Government, a pensioner must take payment in person, after identification by comparison with the permanent-payable-order. Personal appearance at time of payment

(*b*).—A female pensioner who is not accustomed to appear in public, and a male pensioner who is unable to appear in consequence of bodily illness or infirmity, or is exempted from personal appearance by the local Government, may receive his or her pension upon the production of a life-certificate signed by a responsible officer of Government, or by some other well-known and trustworthy person. In such cases the disbursing officer must take all possible precautions to prevent imposition, and must, before the first payment in each year, require proof not only of the existence of the pensioner, but also, if the pensioner is a male, of his inability to attend in person to receive payment.

1. The disbursing officer is personally responsible for any payment wrongly made, and should take every precaution against fraudulent personation. In case of doubt he should refer to the accountant general.

2. A pensioner of rank may be privately identified by the disbursing officer and need not be required to appear at a public office.

Section 83.—A pensioner, drawing pension in India, is required to append to his bills a certificate as follows :— Certificate of non-employment.

"*I declare that I have not received any remuneration for serving Government in any capacity during the period for which the amount of pension claimed in this bill is due.*"

Place of payment.

1. In the case of a pensioner permitted under CHAPTER XX to draw pension after re-employment, this certificate must be modified according to the facts.

Section **84** (*a*).—An annual return of pensioners in form E, appendix A, should be sent to the accountant general from every office whence pensions are disbursed. The accountant general will submit an abstract of these returns to the Government of India.* Annual return.

(*b*).—The return is in three parts, (1) for pensions not exceeding Rs. 10; (2) for pensions exceeding Rs. 10, but not exceeding Rs. 50; (3) for pensions exceeding Rs. 50.

CHAPTER XVII.

PLACE OF PAYMENT.

Section **85.**—A pension or gratuity is payable at any treasury in India, or at the home treasury of the Government of India in London. A gratuity is payable at any treasury in India. Payable at any treasury

1. Pensions are paid at the home treasury quarterly, at the rate of exchange which is annually fixed for the adjustment of transactions between the British and Indian exchequers.

2. Rule 1 applies to an officer under covenant, who is entitled by his covenant to pension in accordance with the rules applicable to uncovenanted servants; the covenanted rate of exchange for his pay and allowances does not, unless it is expressly so stated, apply to his pension.

Section **86.**—Transfer from the home treasury to an Indian treasury, or *vice versâ*, is permitted only once. Transfer between England and India.

1. An application for transfer of payment from India to the home treasury should be made to the accountant general within whose jurisdiction the treasury of payment is. If the transfer is admissible, he will grant a last-pay-certificate, forwarding a duplicate, with copy of the first page of the application upon which the pension was originally granted to the supreme Government in the financial department (or, in Bombay and Madras, to the local Government) for transmission to England; if not admissible, he will take the orders of the Government of India in the financial department.

2. If the pension is not wholly chargeable against the general revenues, care must be taken to state on the certificate how it is to be debited.

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* See appendix C, extract 3.

Lapse and forfeiture of pensions.

Section 87.—A local Government or an accountant general may, on application, and on sufficient cause shewn, permit transfer of payment from one treasury in India to another. This jurisdiction may be delegated by the local Government, to commissioners of divisions or to any higher executive authority. Transfer in India.

1. Copy of any order issued by a local Government or other executive authority under this section should be forwarded to the provincial accountant general, and the collector of the district from which the payment is to be transferred should be instructed to return his half of the permanent-payable-order. The accountant general will then issue a new one to the officer who will in future pay the pension, or, if the officer belongs to another province, will move the accountant general of this province to do so.

2. A district officer may authorise payment in any of the outlying treasuries subordinate to the district treasury, of a pension payable, under proper authority, at his head quarters, and may transfer the payment of a pension from such subordinate treasury to the district treasury, or from one subordinate treasury to another in the same district.

CHAPTER XVIII.

LAPSE AND FORFEITURE OF PENSIONS.

Section 88.—If a pension payable in India, remains undrawn for more than six months, the permanent-payable-order must be returned to the accountant general, and the pension ceases to be payable. If the pensioner afterwards appears, the disbursing officer may reclaim the permanent-payable-order and renew the payment; but the arrears cannot be paid without the order of the local Government obtained through the accountant general. Through falling in arrears.

1. If the suspension of payment is attributable to error or neglect by any public officer, the accountant general may direct payment of the arrears without taking the orders of the Government.

2. If a pensioner or a person entitled to a gratuity dies, payment of any arrear actually due may be made to his heirs, provided they apply within six months after his death: it cannot be paid thereafter, without the sanction of the local Government. Even if the pension or gratuity has not been sanctioned before the death of the officer, the payment may be made, under the orders of the local Government. If an officer dies before actually retiring or being discharged, his heirs have no claim to anything.

Commutation of pensions.

Section 89.—Future good conduct is an implied condition of every grant of pension. The Government reserves to itself the right of withholding a pension, if the pensioner be convicted of serious crime.

CHAPTER XIX.

COMMUTATION OF PENSIONS.

Section 90.*—A life pension not exceeding twenty rupees a year may, at any time, on certificate of good health by the medical officer (covenanted or uncovenanted) of the district, and provided the pensioner's age does not exceed seventy years, be commuted at the following rates :— Rate of commutation.

Age of pensioner.	*Years' purchase of pension.*
Less than 10 years	13
10—20 „	12½
20—25 „	12
25—30 „	11½
30—35 „	11
35—40 „	10½
40—45 „	10
45—50 „	9½
50—55 „	9
55—60 „	8
60—65 „	7
65—70 „	6

More than 70—inadmissible, except by special order of the Government of India.

1. If a pensioner whose pension has been commuted, dies before receiving the commutation value, it is payable to his heirs.

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* *Resolution by the Government of India, Financial Department,—No.* 3104, *dated 27th September* 1873.

The Governor General in Council observes that the only general rules for the commutation of pensions are those in Chapter XIX of the civil pension code. The policy of the Government of India is opposed to the commutation of pensions save under very exceptional circumstances; and His Excellency in Council, therefore, desires that local Governments and Administrations will invariably consult the Government of India before ordering (under the operation of Section† 10 of Act XXIII of 1871,) the commutation of pensions otherwise than as provided for in the civil pension code.

† "The local Government may, with the consent of the holder, order the whole or any part of his pension, or grant of money, or land revenue, to be commuted for a lump sum on such terms as may seem fit."

2. This resolution is not to be understood as interfering with the rules which have already been issued with the sanction of the Government of India in regard to the commutation of any special classes of pension in any of the presidencies or provinces.

Re-employment of pensioners and persons who have obtained gratuities.

CHAPTER XX.

RE-EMPLOYMENT OF PENSIONERS AND PERSONS WHO HAVE OBTAINED GRATUITIES.

After compensation gratuity.

Section **91.**—An officer who has obtained a COMPENSATION GRATUITY, if re-employed in qualifying service, may either retain the gratuity, in which case his former service will not count for future pension or gratuity, or he may refund it and count his former service.

1. The intention to refund must be stated immediately on re-employment; but the refund may be made by monthly instalments of not less than one-third of the officer's salary, and not less than the whole gratuity divided by the number of months which have elapsed since it became admissible. The right to count previous service does not revive till the whole amount is refunded.

After compensation pension.

Section **92.**—An officer who has obtained COMPENSATION PENSION, if re-employed, may retain his pension in addition to his pay, provided that the sum total shall not exceed the pay of the appointment on abolition of which the pension was given. If his re-employment is in qualifying service, he may either retain his pension (subject to the proviso above stated), in which case his former service will not count for future pension, or he may cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded.

1. In the case of a section-writer or press servant (*see Section* 20) re-employed, the pay of the appointment abolished is taken at the average earnings of the last six months of employment.

2. If an officer does not, within three months from the date of his re-employment, exercise the option, conceded by this section, of ceasing to draw pension and counting his former service, he may not, thereafter, do so without the permission of the Government of India.

After invalid pension.

Section **93.**—There is no absolute bar to the re-employment of an officer who has regained health after obtaining INVALID GRATUITY OR PENSION. The rules in such a case as to refunding gratuity, drawing pension, and counting service, are the same as in the case of re-employment after compensation gratuity or pension.

After superannuation pension.

Section **94.**—An officer who has obtained a SUPERANNUATION pension is, by the nature of the case, excluded from re-employment.

Re-employment of pensioners and persons who have obtained gratuities.

After retiring pension.

Section 95.—An officer who has obtained a RETIRING PENSION cannot be re-employed, except on strong public grounds, and with the express sanction of the Government of India in the financial department. If so re-employed, he is permitted to draw pension in addition to full pay. There is not so much objection to the employment of such a pensioner in service paid from local funds.

No officer can be permitted to retire with the view of being re-employed, whether in the general service or at the charge of local funds, and drawing pension in addition to pay.*

Navy pensioners

1. The rules in this CHAPTER do not apply to an officer pensioned on the abolition of the Indian navy. If such an officer is re-employed, his service will be on exactly the same terms as if he had never been employed before. But, so long as he is employed, his navy pension will be held in abeyance, excepting so much of it as is necessary to raise his total emoluments to one-and-a-quarter times the amount of his pension. If he has commuted his pension for a single payment, the same deduction will be made from his allowances as if he had not done so.

* *Extract from a financial despatch from the Secretary of State for India, No.* 513, *dated 4th December* 1872.

PARA. 2. In reference to this case, you state that, in the financial despatch, dated the 9th July 1868, No. 290, "the following rule was laid down":—

"When an officer who has retired on a pension obtained, not on medical "certificate, but after a prescribed period of service, is subsequently employed "in any public capacity, he shall be permitted to draw the pension in addition "to the salary of the office to which he may be appointed; but, in the event of "a military officer resigning the service, after he has been appointed to a civil "office, he must at the same time vacate that office. He may, however, be "re-appointed to the office, not as a matter of course, but only in the event of "your considering it decidedly for the benefit of the public service."

3. You also state that the principle of that rule, which was at first applicable to commissioned military officers in civil employ, has been extended to all civil officers, and that Section 95 of the civil pension code provides that "no officer can be permitted to retire with the view of being re-employed, "whether in the general service, or at the charge of local funds, and drawing "pension in addition to pay," and you propose that the rule should now be extended to military officers in civil employ.

4. Previous to the receipt by you of the financial despatch, dated the 9th July 1868, No. 290, it was the invariable rule that a military pension should merge in civil salary, and it was only on "your strong recommendation" that any modification of that rule was authorised.

5. Under the terms of the modification sanctioned in 1868, you have full power to guard against the abuse of the concession granted by declining to re-appoint any officer to a civil appointment who may resign the service for the purpose of obtaining military pension in addition to civil salary; and I am of opinion that you should do so, except under exceptional circumstances, when it is decidedly for the benefit of the public service. I see no objection, however, to your proposition to extend to military officers in civil employ the rule on the subject which you have laid down as regards civil officers.

Special rules for the police.

But engineers, boiler-makers and warrant officers of the Indian navy, who were pensioned on the abolition of the navy, are permitted to draw, during re-employment, pension in addition to full pay.

Military pensioners.

2. The rules in this CHAPTER do not apply to a military pensioner in civil employ. The claims of such an officer to salary, pension, and gratuity in the civil department are dealt with without reference to his military pension. But the pension of a commissioned officer other than a "good service" pension, and of the heir of a native non-commissioned officer or soldier, will, during re-employment, merge in his salary.

3. A civil, military, or naval pensioner also may, under the orders of the local Government, be employed without loss of pension, on purely temporary duty, lasting for not more than a year.

4. If an officer of the subordinate medical department, holding a civil appointment, continues in civil employ after he has earned his military pension, his pension remains in abeyance.

5. There is no objection to a pensioner being appointed to be sub-registrar of assurances if he be remunerated by fees only.

Section 96.—An officer holding two or more separate appointments may not, save with the express sanction of the Government of India in the financial department, receive a pension or gratuity in respect to one or more of such appointments, without retiring from the service altogether. There is no objection to his being relieved from one or more of such appointments at any time, without being compelled to leave the service altogether; but, in such case, any pension or gratuity which may be admissible to him in respect to the office or offices from which he is relieved, will be deferred until he finally retires.

CHAPTER XXI.

SPECIAL RULES FOR THE POLICE.

Section 97.—The following special rules apply to members of police forces constituted under the following Acts:

XIII of 1856 of the Governor General of India in Council. XXIV of 1859 of the Governor General of India in Council. V of 1861 of the Governor General of India in Council. VII of 1867 of the Governor of Bombay in Council.

Special rules for the police.

1. The Trans-Indus police force, though not organised under Act V of 1861, and never possessing a superannuation fund, is on the same footing, with respect to pension and gratuity, as the regular Punjab police.

MUNICIPAL AND RAILWAY POLICE.

Section **98** (*a*).—If the police of a town are wholly supported by, and under the control of, a municipality, the Government has no concern with their pensions or gratuities. Municipal police

(*b*).—But if the Government, being interested in the efficiency of a police force paid, wholly or partly, by a municipality, or from the general revenues subsidised by a contribution from a municipality, undertakes the organisation and control of the force, as connected with, and auxiliary to, the civil constabulary, service in it is treated as service under Government. The contributions of municipalities towards the cost of the pensions and gratuities of such forces are, for the present, undetermined.

1. The police forces in the presidency towns of Calcutta, Madras aud Bombay, and in the municipalities in Lower Bengal, come under clause (*b*).

Section **99**.—Service in the railway police on the East Indian Railway and in Bombay and Sindh is treated as service under Government, though such police are either wholly or partly paid by the railway companies. Railway police.

1. In the Bengal division of the East Indian Railway, the railway company pay six per cent. in addition to pay and salary, to discharge liability for pension. In the other divisions another arrangement is in force.

QUALIFYING SERVICE.

Section **100**.—Service in any of the police forces mentioned in Section 97, after the establishment of a superannuation fund in the force, qualifies.* Qualifying service.

* The superannuation funds were funds to which, with the exception of certain soldiers of the Sikh darbar (*see Section* 16 (*c*)) and members of the Oudh military police, police officers whose pay did not exceed twenty rupees were obliged to contribute. By these contributions they became entitled to pensions according to the rules of the several funds.

Officers whose pay exceeded twenty rupees did not contribute, as they came under the operation of the ordinary pension rules.

By Act X of 1869, the superannuation funds established under Acts XXIV of 1859 and V of 1861 of the Governor General in Council, and VII of 1867 of

Special rules for the police.

1. Members of office establishments permitted to subscribe to the police superannuation funds by financial department order No. 3398, dated 27th July 1863, may count the service during which they so subscribed.

Section **101.**—In the following cases, members of police forces have exceptional privileges in regard to pension: Exceptional privileges.

(*a*).—Soldiers of the Sikh Government to whom service was guaranteed (*see Section* 16 (*e*)), and who, on the breaking up of the Punjab military police in which they had enlisted, were transferred to the civil police, are, if their pay does not exceed twenty rupees, entitled to invalid pensions at line rates for their service under the Sikh darbar, and in the military police, and in the civil police. First class sergeants get pension as havildars, second class sergeants as naiks, and constables as sepoys. Sikh darbar soldiers.

(*b*).—Men who, after completing, on 3rd May 1861, four years' service in the army, or in the Oudh military police, were transferred to the Oudh civil police and were in employ in that force on 26th January 1864, are, if their pay does not exceed twenty rupees, entitled for their service in the army, and the military police, and in the civil police, to pensions on the terms applicable to local and irregular troops of the rank corresponding to that which they may attain in the police. Oudh military police.

(*c*).—Men of the Mhairwarra battalion, who were present on parade on the 1st July 1857, and were, subsequently, transferred to the Ajmir and Mhairwarra police, are entitled to pensions at the rates for soldiers of the line. Mhairwarra battalion.

Section **102.**—In the following cases, service rendered before enlistment in the new police constabulary qualifies: Previous service when qualifying.

(*a*).—In the first two cases mentioned in Section 101, if the men subscribed to the superannuation fund in order to obtain the higher pensions admissible under its Sikh darbar soldiers and Oudh military police.

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the Governor of Bombay in Council, were abolished. The superannuation funds which had been established in the Madras town police, under Act XIII of 1856, having been, by Act VIII of 1867 of the Governor of Madras in Council, amalgamated with that established under Act XXIV of 1859, was abolished with the latter. The funds established under Act XIII of 1856, in the Calcutta and Bombay town police, are still in existence.

In the police forces of which the superannuation funds were abolished, the pay of the men was reduced, either individually or on the average, to its previous nominal amount, less the subscriptions to the funds, the Government undertaking the liabilities of the funds.

Special rules for the police.

rules, or if, through serving on pay higher than twenty rupees, they have become entitled to the pension prescribed in section 106, the previous service mentioned in section 101 qualifies.

(*b*).—Soldiers transferred to the police on the reductions of the native army which were made in 1861, count their army service. Men of native army.

(1).—In February 1867 it was declared that this rule would be applicable to all future transfers to the police on occasions of reduction of the native army.

(2).—In the Punjab police, men counting service under this rule, if they were faithful during the mutiny when their regiments joined the rebels, are entitled to pensions at the rates for soldiers of the line, instead of the rates of the superannuation fund.

(3).—Soldiers who formed part of the garrison of Lucknow during the siege in 1857, count three years' additional service.

(4).—A man voluntarily taking discharge from the army and entering the police, cannot count past service.

(*c*).—Men who were enlisted in the Central Provinces police in 1861, after discharge with gratuity from the Nagpúr irregular force, or who were transferred to the police from that force, or from the Mulkí Horse, count their service in these forces, and also that in the forces of the late Raja of Nagpúr. Nagpúr irregular force.

(*d*).—Men of the Berar Police, recruited from the Hill Rangers, count their service in that corps.

(*e*).—Service in the 1st Bengal military police battalion and service in the Oudh military police qualifies. Military police

(*f*).—Service in superior grades in the old police (*i. e.*, darogas and officers of higher rank) or in any other department qualifies. Previous superior service.

(*g*).—In the North-Western Provinces, the Punjab and Oudh, men count half their service in the inferior grades in the old police.

(*h*).—Men transferred from the army to the military police in the years 1858 to 1861, preserved whatever title they had, at the time of transfer, to pension for army service. At the same time service in the military police did not give any further title to pension, except in the cases specially mentioned above. Accordingly, men who possessed this title to pension for army service, and were transferred from the military police to the civil police, count their previous army service. Army service and military police service.

Special rules for the police.

(*k*).—Pensions granted to men who count army service under the above rules are, if their service in the army was sufficient to entitle them to pension if discharged without fault, a charge on the military department; otherwise they are a charge upon the civil department. Pensions for army service how chargeable.

Section **103**.—A policeman on pay not exceeding twenty rupees, who re-enlists within one year after discharge, may, at the discretion of the inspector general, count his service before discharge. Break in service.

AMOUNT OF PENSION OR GRATUITY.

Section **104**.—The pension or gratuity admissible to an officer whose pay at date of discharge or resignation does not exceed twenty rupees, will be determined, as prescribed in section 105, according to one of the following scales: Officers on pay not exceeding Rs. 20.

SCALE A.

According to the rules of the superannuation fund of the force.

1. As the superannuation funds did not always provide for compensation pension or gratuity, the following orders were issued with reference to the reductions directed in 1869:

(1).—Compensation pension and gratuity should be awarded at the same rate as the superannuation fund rules provide for invalid pensions and gratuities.

(2).—But if the gratuity thus awardable is less than the amount (without interest) of the officer's subscriptions to the fund, the difference should be made up.

SCALE B.

According to the rules prescribed in Chapters XI, XII and XIII, for the calculation of pensions and gratuities for superior service, except that (1) all service in the police after the age of 18 years qualifies; (2) in addition to the leave which, under Chapter IX, is reckoned as service, one year's leave in fifteen years' service, and two in thirty years' service, is so reckoned.

Section **105** (*a*).—The pensions and gratuities of officers of the town police of Calcutta and Bombay are regulated by scale A.

Special rules for the police.

BENGAL SECRETARIAT LIBRARY.

(*b*).—The pension or gratuity of an officer of any other force is regulated as follows:—

(1).—If he was in the police before the 19th July 1871 and has served continuously since that date;—by scale A or scale B according to his election (which, by order in the financial department No. 2091, dated 19th July 1871, he was required immediately to declare).

(2).—If he was enlisted or re-enlisted on or after the 19th July 1871;—by scale B.

Officers on pay exceeding Rs. 20.

Section **106**.—The pension or gratuity admissible to an officer whose pay, at date of discharge or resignation, exceeds twenty rupees, is determined by the rules which apply to ordinary service, except that service rendered after the completion of 22 years of age, and declared by this chapter to be qualifying, is treated as superior service, and that the benefit of the rule in section 103 is not withdrawn from a police officer by reason of his being *promoted* to pay exceeding twenty rupees a month.

1. When a police officer, by promotion to a pay exceeding twenty rupees, loses any benefit as to pension or gratuity which he would have enjoyed had his pay remained unchanged, his pension or gratuity may be regulated as if he had not received the promotion.

Previous inferior service.

Section **107**.—If part of an officer's continuous service qualifies for pension or gratuity on the inferior scale, but does not qualify under the rules in this chapter, he may elect to receive, in lieu of the pension or gratuity admissible under the rules in this chapter, such pension or gratuity as is admissible to him, under sections 63 and 64, for the whole of his service, both inferior and superior.

Example.—An officer who was transferred to the present civil police from an inferior grade in the old police, or from the military police, and who is not entitled under section 101 or 102 to count former service, may obtain pension under this section.

1. An officer who, under section 105 (*b*1), has elected to abide by scale B, will, if he takes gratuity under this section, obtain, in lieu of the scale prescribed in section 63 (*a*), one month's

Special rules for the police.

pay for every complete two years of service, but not more than twelve months' pay in all.

Section **108**.—Except in the case of the town police of Calcutta and Bombay (*section* 105 [*a*]), pension or gratuity is to be calculated upon the net pay, *i. e.*, the pay actually received by the officer, and not upon the gross pay, *i. e.*, the pay from which were deducted the subscriptions to the superannuation funds (*see foot note to section* 100). But this rule shall not, until he be either promoted to higher pay, or degraded for misconduct to lower pay, be applied to any officer who, on the 19th July 1871, was entitled, by the rules of the superannuation fund, to have his pension or gratuity calculated on his gross pay. To be calculated on net pay.

1. Good service pay is not reckoned in calculating pension or gratuity, except in the case of those who, before the 19th July 1871, were members of the police forces of Bengal (excluding the East Indian Railway police) or the Punjab.

VERIFICATION OF SERVICE.

Section **109** (*a*).—There shall be kept up for each district by the district superintendent of police a service roll in English, in which shall be recorded the date of the enrolment of each man in the constabulary; his caste, tribe, village, age, height, and marks of identification at the time of enrolment; his rank, promotion, reduction or other punishment; his absences, on leave or without leave; the breaks in his service, and every other incident in his service which may involve forfeiture of portions of his service, or affect the amount of his pension or gratuity. Service rolls.

(*b*).—The roll shall be checked by the vernacular roll and order book, and the punishment register, and every entry in it shall be signed by the district superintendent of police.

(*c*).—In addition to the above roll the inspector general of police shall keep a record of all service on pay exceeding twenty rupees (except that of gazetted officers), and shall verify the record annually, in communication with the accountant general.

Special rules for the police.

(*d.*)—From this roll the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected, as prescribed in section 71, in respect of any service, rendered before enrolment in the constabulary, which the applicant may be entitled to count.

1. District superintendents of police should be on their guard against endeavours to retire on invalid pension by officers who are capable of serving longer. Medical officers should be very searching in their examination of the physical unfitness of the applicants for further duty; and, whenever the number of applicants for pension or gratuity is large, the examination should, if possible, be conducted by two medical officers.

POWER OF SANCTION.

Section 110.—A claim by a police officer, on pay not exceeding twenty rupees, to pension or gratuity only for the period of continuous and verified service in the force in which at the time of application he is serving, may, if admissible under the strict letter of the rules, be allowed by the inspector general of police, and reported to the accountant general with the necessary particulars for identification. Sanction.

All other claims will be treated under the ordinary rules.

1. Claims to extraordinary pension or gratuity (*see Chapter* XXII), even though they may be provided for by the rules of the superannuation fund, are subject to the rule in section 118.

2. The quarterly return submitted by the local Government to the supreme Government under section 76, should contain particulars of all pensions and gratuities granted by the inspector general as well as by the local Government.

MANNER OF PAYMENT.

Section 111.—Payment of a pension or gratuity shall be made by the treasury officer of the district where the pensioner resides, on a permanent-payable-order (in the case of a pension), and on the identification of the pensioner by the district superintendent of police; and special committees shall be assembled every five years to identify the pensioners. Payment.

Extraordinary Pensions.

CHAPTER XXII.

EXTRAORDINARY PENSIONS.

[NOTE.—The rules in this chapter are analogous to the regulations for the grant of pensions to soldiers wounded in action and to the heirs of soldiers killed in action.]*

A.—In cases of injury or death.

Section **112**.—The following are the rules for the grant of a gratuity or pension:

(*a*) to a man so injured, in the execution of a public duty, as to be incapacitated for earning a livelihood.

(*b*) to the family of a man killed in the execution of a public duty.

They apply to any person employed in the service of the Government, whether permanently, temporarily, or even casually, and whether remunerated by a fixed salary, or (as for example, miners in the salt mines) for piece-work. They apply also to village watchmen.

Not cases of mere accident.

Section **113**.†—An extraordinary pension or gratuity is granted only when injury or death is met in the performance of a duty which is attended with extraordinary bodily risk. The Government recognises no claims on account of loss of life or bodily injury resulting from an ordinary accident.

The following would be regarded as *primâ facie* cases of ordinary accident: A policeman falling from his horse; a policeman on escort duty killed by sun-stroke; a lascar killed by the snapping of a hawser; a laborer falling under a burden.

1. The Government recognises no claim by a widow on account of the services of her husband. It is the duty of every Government officer himself to provide for his family; the

* See appendix E.

† In an order of the Financial Department No. 3141, dated 20th September 1873, it was observed that this rule being based upon the analogy of the regulations for the grant of pensions to soldiers wounded, and to the families of soldiers killed in action, the Government is compelled strictly to limit its application to the cases for which it is intended to provide; and, moreover, that it is obviously inexpedient for the Government to dispense charity in individual cases, or to do anything that might weaken the inducements to its officers to secure proper provision for their families.

Extraordinary Pensions.

more so that the Government assists certain funds established for the purpose of enabling him to do so.*

Section **114**.—A pension or gratuity is granted to the family of a man killed in the execution of his duty, only if he had wife, sons or daughters (legitimate), father or mother, dependent upon him for support. Claims recognised in case of death.

1. The heirs of native soldiers killed in action succeed in the following order:

Son, widow, daughter, father, mother. To a male the pension is given as follows:—If the pensioner is under six years of age;—till he is eighteen years old. If above six and under fifty years;—for twelve years. If above fifty years;—for life. To a female the pension is for life.

This order need not be followed absolutely in the civil department, but it should not be lightly rejected. The pension of a male should not ordinarily be continued after he is eighteen years old. The pension of a female should last only until marriage, but, on marriage, she may have a dowry equal to five years' pension.

Section **115**.—The amount of gratuity or pension is to be regulated by— Amount of pension.

(*a*) the character and service of the man injured or killed;

(*b*) the nature of the risk undergone, and the conduct of the man in accepting it;

(*c*) the nature and extent of the injury received;

(*d*) the pecuniary circumstances and prospects of the claimant.

1. The Government does not bind itself to grant gratuity or pension in every case, or, if it grants pension, to grant it for life.—(*See rule under sec.* 114.)

Section **116**.—Whenever a claim for extraordinary gratuity or pension is made, the head of the office in which the man killed or injured was employed, will hold a formal enquiry, taking evidence on the following matters: Preliminary enquiry.

(*a*) the circumstances under which the injury was received, or the life lost;

* By Resolution No. 3094, dated 29th September 1873, it was pointed out that the Governor General in Council is almost invariably under the painful necessity of rejecting recommendations made in contravention of this rule; and the submission of such recommendations, save under very extraordinary circumstances, was disapproved, as calculated only to give rise to hopes that could not be fulfilled.

Extraordinary Pensions.

(*b*) the relationship (in the case of death), and the pecuniary circumstances of the claimants.

Section **117**.—The head of the office will then submit the case, with a report, through his official superiors, to the Government, sending, in the case of a man injured, the usual form of application (*form* A, *appendix* A), and, in the case of a man killed, a statement in form D, appendix A. Pension roll.

Section **118**.—The local Government may grant a gratuity not exceeding six months' pay (which is ordinarily the maximum given), reporting the grant as in the case of an ordinary gratuity. If the local Government deems a grant of six months' pay insufficient, it should report the case, with a recommendation, to the Government of India. Power of local Governments.

Section **119** (*a*).—The Government of India may grant a pension to the family of a policeman, or a village watchman, killed in the execution of duty, not exceeding two-thirds of the deceased's pay. Such grants are made on the principle of giving not more than would be given in the case of a soldier of a like class killed in action.* Power of supreme Government.

(*b*).—Otherwise, nothing in excess of a gratuity, equal to six months' pay, may be granted without the sanction of the secretary of state.

B.—Military Service.

Section **120**.—Officers and men, enrolled as volunteers, and having a military organisation, enjoy the same privileges in regard to compensation for wounds as soldiers of corresponding grades, unless they are entitled, under the following rules, or under special conditions of service, to higher rates:

(*a*).—An officer of the covenanted civil service wounded in action while serving (under circumstances justifying his presence) with a military force, will receive such compensation as may be granted by the Government of India, subject to the confirmation of the secretary of state.

* See appendix E, 2.

Extraordinary Pensions.

(*b*).—Any other civil officer of the Government will receive compensation in proportion to his salary according to the following scale :

If his salary is Rs. 500 a month, or upwards, as a captain.

"	300	"	lieutenant.
"	200	"	ensign.
"	100	"	subadar.
"	50	"	jamadar.
"	16	"	sepoy.

(*c*).—A person not in civil or military service, wounded in action while serving (as aforesaid) with military forces, will receive compensation according to his station in life as compared with that of a military officer, each case being considered separately on its own merits by the Government of India, and compensation granted subject to the confirmation of the secretary of state.

C.—Mutiny Pensions.

Section **121** (*a*).—The widow of an uncovenanted officer, who receives a pension on account of her husband having been killed in the mutiny, retains half her pension after re-marriage. Her half pension is not increased on second widowhood.

(*b*).—The daughter of an uncovenanted officer in the Punjab, who receives a mutiny pension "payable till marriage," receives, on marriage, seven years' pension as a dowry.

APPENDIX A, FORM A.—(Four pages.)

FIRST PAGE.

APPLICATION FOR PENSION OR GRATUITY.

1. Name of applicant.
2. Father's name.
3. Sect or caste.
4. Residence.
5. Present or last employment.
6. Date of beginning of service ... ... 1st May 1851.
7. Date of end of service ... ... 30th June 1871.

		Y.	M	D.
8.	Length of service including breaks	20	2	0
	of which superior	17	2	10
	inferior	1	5	0
	non-qualifying and breaks ...	1	6	20

9. Class of pension or gratuity applied for, and cause of application.*
10. [Average] emoluments or pay.
11. Proposed pension.
12. Proposed gratuity.
13. Date from which to commence.
14. Place of payment.
15. Date of applicant's birth by Christian era.†
16. Height.
17. Marks.
18. Date.

* If the application is for a compensation pension or gratuity, the nature of the change of establishment which has given rise to the claim should be fully stated.

† (If not known exactly, must be stated on the best information or estimate)

SIGNATURE OF HEAD OF OFFICE.

HISTORY OF THE SERVICE (SHOWING BREAKS) OF

SECOND PAGE.

Establishment.	Appointment.	Pay.	Acting allowance.	Date of beginning.	Date of end.	Period reckoned as service.		Period not reckoned as service.		Remarks.	How verified.	Remarks by accountant general.
		Rs.	Rs.			Y.	M. D.	Y.	M. D.			
Collector of Hooghly	Muharrir ...	10	...	1st May 1851	16th Aug. 1851	.....		0	3 15	Inferior grade.	By accountant general, Bengal.—See enclosure A.	
Ditto ...	Ditto ...	15	...	16th Aug 1851	30th Sept. 1852	.....		1	1 15	Under 22 years of age.		
Ditto ...	Ditto ...	15	...	1st Oct. 1852	7th May 1856	3	7 7	.....		.....		
On sick leave	... ...		...	8th May 1856	7th Nov. 1856	.....		0	6 0	.....		
Collector of Hooghly	Muharrir ...	15	...	8th Nov. 1856	16th Jan. 1869	2	2 8	.....		.....		
Out of employ	...		...	16th Jan. 1869	17th Jan. 1869	.....		0	0 2	Resigned to join new appointment.		
Post Office	Deputy postmaster, Burdwan	25	...	18th Jan. 1869	11th July 1865	6	5 21	.....		.....	Compiler of post Office accounts.—See enclosure B.	
Under suspension	...		...	12th July 1865	1st Sept. 1865	.....		0	1 20	Suspension adjudged as a penalty...		
Post Office	Deputy postmaster, Burdwan ..	25	...	2nd Sept. 1865	3rd March 1868	2	6 2	...		.....		
Ditto ...	Ditto Offg. postmaster	25	10	4th March 1868	3rd Dec. 1869	1	9 0	.....		.....		
Out of employ by abolition of appointment.				4th Dec. 1869	1st Nov. 1870	.....		0	10 28			
Judge of Nuddea..	Clerk ...	40	...	2nd Nov. 1870	30th June 1871	0	7 29	.....		.....	Accountant general, Bengal.—See enclosure C.	
	Total period of superior service ...				.....	17	2 10					

THIRD PAGE.

REMARKS BY HEAD OF OFFICE.

1. As to character and past conduct of applicant.
2. Explanation of any suspension or degradation.
3. Regarding any gratuity or pension already received by applicant. See Chapter XX.
4. Explanation under Section 47, Rule 1, so far as the Head of the office can give it.
5. Any other remarks.

SIGNAUTRE.

CERTIFICATE AND REPORT OF ACCOUNTANT GENERAL.

CERTIFIED that (subject to the remarks below recorded) qualifying service in [*inferior or superior*] grades has been duly proved for years months days; and that a [*pension or gratuity*] not exceeding Rs. , is admissible under Section of the Civil Pension Code. The calculations have been duly verified. The (*pension or gratuity*) is chargeable to (*Here specify whether to general revenues or to what fund.*)

Accountant General.

FOURTH PAGE—(DOCKET).

APPLICATION FOR PENSION OR GRATUITY.	
Date of application.	
Name of applicant.	
Last appointment.	
Class of pension or gratuity.	
Amount of pension sanctioned.	
Amount of gratuity sanctioned.	
Date of commencement.	
Date of sanction.	

FORM B *of Permanent-payable-order*

(Obverse.)

COLLECTOR'S HALF.

Place for signature of pensioner on the first payment made hereon _____

Class of pension and date of order sanctioning it.	Personal identification.	Height.		Date or approximate date of birth.	Sect or caste.	Residence.	Amount of monthly pension.
		Feet.	Inches.				

ACCOUNTANT GENERAL'S OFFICE;

No. _____ *Calcutta,* _____ 187 .

SIR,

Until further notice, and on the expiration of every month, be pleased to pay to _____ the sum of Rupees _____ being the amount of _____ pension, as _____

upon the production of the counterpart hereof, taking from the claimant a separate receipt for the amount according to usual form.

To the Collector of _____ *Accountant General.*

NOTE.—*Payment upon this order is to be made only to the pensioner in person,* unless specially exempted, or unless disabled from appearing by illness or bodily infirmity, in which case payment may be made upon a life-certificate signed by a responsible officer of Government, or other well-known and trustworthy person.

PENSIONER'S HALF.

NAME OF PENSIONER. _____

HEAD OF CHARGE. _____

Class of pension and date of order sanctioning it.	Date or approximate date of birth.	Sect or caste.	Residence	Amount of monthly pension.

ACCOUNTANT GENERAL'S OFFICE;

No. _____ *Calcutta,* _____ 187 .

SIR,

Until further notice, and on the expiration of every month, be pleased to pay to _____ the sum of Rupees _____ being the amount of _____ pension, as _____

upon the production of this order and a separate receipt according to usual form.

To the Collector of _____ *Accountant General.*

NOTE.—Payment under this order is to be made only to the pensioner in person, unless specially exempted, or unless disabled from appearing by illness or bodily infirmity, in which case payment may be made upon the production of this order, and upon a life-certificate signed by a responsible officer of Government or other well-known and trustworthy person.

FORM B *of Permanent-payable-order.*

(Reverse.)

Reverse of Pensioner's Half. *Every separate payment is to be recorded below by the disbursing officer.*								Reverse of Collector's Half. *This document is to be retained by the disbursing officer so long as the authority remains in force in such manner that the pensioner shall have no access to it. Every separate payment is to be recorded below.*							
When paid	For the Month of	Amount.	Initials of disbursing officer.	When paid.	For the Month of	Amount	Initials of disbursing officer.	When paid.	For the Month of	Amount	Initials of disbursing officer.	When paid.	For the Month of	Amount.	Initials of disbursing officer.

FORM C.—*(See Section 76.)*

Statement of $\frac{\text{Pensions}}{\text{Gratuities,}}$ sanctioned by the _____ _____ in the _____

Department during the quarter ending _____ 18

Column 1.—Serial number.

" 2.—Name of recipient.

" 3.—Date of recipient's birth by christian era.

" 4.—Designation of last employment.

" 5.—Name of office in which last employed.

" 6.—Date on which employment ceased.

" 7.—Character.

" 8.—Period counted as service.

" 9.—$\frac{\text{Average emoluments}}{\text{Pay or emoluments at time of discharge}}$.

" 10.—Class of $\frac{\text{Pension}}{\text{Gratuity}}$ granted.

" 11.—Amount of $\frac{\text{Monthly Pension}}{\text{Gratuity}}$ granted.

" 12.—Remarks (here note any cases where less than the full pension or gratuity admissible has been granted; also cases where the pension or gratuity is chargeable to other than general revenues.)

FORM D.—*(See Chapter XXII, Section 117.)*

Application for an extraordinary pension or gratuity for the family of _____ late a _____ _____ killed in the execution of duty.—Submitted by the _____

(A). Description of claimant.
- 1.—Name and residence.
- 2.—Age.
- 3.—Height.
- 4.—Religion, caste, or tribe.
- 5.—Marks for identification.
- 6.—Present occupation, and pecuniary circumstances.
- 7.—Degree of relationship to deceased.

(B). Description of deceased.
- 8.—Name.
- 9.—Occupation and service.
- 10.—Length of service.
- 11.—Pay when killed.
- 12.—Nature of injury causing death.

(C).
- 13.—Amount of pension or gratuity proposed.
- 14.—Remarks.

Appendix A, Form E.

FORM

RETURN OF PENSIONS PAID AT _____

Pensions exceeding Rs. _____ *and not*

	Present Age (last			
	Not more than 50 years.	51 to 60 inclusive.	61 to 65 inclusive.	66 to 70 inclusive.
1.—Number of pensioners in the list at end of last year. Heading 9 of year's return ...				
2.—Deduct the number transferred into the next period of age ...				
3.—Add the number transferred from the last period of age ...				
4.—Number from last year thus corrected for age ...				
5 New names brought on the list. By new pensions ...				
6 By renewal after being struck off ...				
7 By transfer from other offices ...				
8.—Total of headings 4 to 7, being total number to be accounted for				
9.—Number on pension list at end of year ...				
10 Removed during the year. By transfer to other offices ...				
11 By death or non-appearance for six months...				
12 —Total of headings 9, 10, 11, being total number accounted for				

Notes.—Headings 2 and 3 show the transfers rendered necessary by pensioners passing from one of the ing 2, in the next preceding column.

Heading 6. Enter here any persons who, after being entered under heading 11 of the previous 99) are again admitted into the list.

Appendix A, Form E.

E.

DURING THE YEAR 187 -7

*exceeding Rs.*_____

BIRTH-DAY) OF PENSIONERS.					REMARKS.
71 to 75 inclusive.	76 to 80 inclusive.	81 to 85 inclusive	86 and upwards.	TOTAL.	

periods of age into the next Hence each entry under heading 3 will be the same as the entry under head-

statement as having been struck off the list, on account of non-appearance for six months (Code, Section

APPENDIX B.

PENSION RULES OF 4TH JANUARY 1831.

RULES relative to the grant of superannuation pensions to subordinate officers in the civil department.

[NOTE.—Subsidiary and supplementary rules of date later than 4th January 1831 are printed in small type.]

Section 1.—Superannuation pensions will be granted only to the superior classes of public servants indicated in the annexed list.

[NOTE.—This list is not published, as the code sufficiently declares to whom these rules may now be applied.]

Inferior servants, sowars, armed or organised peons, including jamadars and other ranks, lascars, boatmen, artificers, labourers, and menials are to have no claim to such provision.

Section 2.—With the exception of native judges and law officers, the applicant must have been employed in the public service for a period of at least twenty years.

Section 3.—The public servant, whatever may have been the period of his service, must be incapacitated for further employment, by old age, protracted ill-health, loss of sight, or other bodily or mental infirmity.

Section 4.—The character, conduct, and past services of the public servant must be favourably certified by the officer or officers under whom he may have been employed, and must appear to be such as to entitle him to the favourable consideration of Government.

Section 5.—Whenever it may be judged expedient to grant a pension to a public officer, whose case may come within the foregoing provisions, the amount of the pension shall be limited as follows:

Clause 1*st*.—If the period, during which the individual may have been actually employed in the public service, shall be more than twenty years, but less than thirty years, the amount of the pension shall not exceed one-third of the monthly salary or authorised official allowances of such individual, calculated on an

average of five years previously to the date of the application for such pension.

Clause 2nd.—If the period of actual service shall have been thirty years or upwards, the amount of the pension shall not exceed one-half of the salary or authorised allowances of the individual calculated in manner above stated.

1. Pension may be awarded on the above scale, to persons thrown out of employ by reduction of establishment, without their being required to produce medical certificate.

2. In the despatch from Court of Directors, No. 18, dated 5th May 1854, the following further rule is prescribed:

"We authorise you to grant to any uncovenanted servant belonging to a class recognised by the present rules, who, though not possessed of medical certificate of incapacity, may be permitted to retire from the service, and who can produce unquestionable testimonials of a faithful, efficient discharge of his duties during a period of 35 years, a pension equal to half the average salary which he may have received during the last five years of his service. These pensions are to be regarded as the rewards of good service; they will not in any case be claimable as of right, and every pension, which you may see sufficient reason to grant, must be reported to us with a statement of the grounds of your proceeding."

RULES REGARDING SERVICE.

3. The period of service must be continuous, but a break between two periods of employment, if it does not exceed 12 months, and was not caused by dismissal from office for misconduct, will not prejudice the officer in whose service it occurs.

4. To the following extent leave counts as actual service:

(*a.*) All leave taken before the uncovenanted service leave rules of 1856.

(*b.*) The following leave taken under the rules of 1856:

Two out of three years obtainable on medical certificate.
Leave subsidiary to leave on medical certificate.
Privilege leave.
Leave on private affairs on half pay, (sec. VII).

(*c.*) Leave during recess on half pay granted to native surveyors in the Revenue Survey Department, Bengal, North-Western Provinces, and the Punjab.

5. Service before the attainment of 16 years of age does not qualify for pension.

RULES FOR CALCULATION OF PENSION.

6. "Authorised official allowances" include the following:

(*a.*) House-rent allowance, or value of official residence.

(*b.*) Personal allowance given as compensation for reduction of salary.

The following are not included:

(*a.*) Personal allowances otherwise than as above.

(*b.*) Horse and tent allowances.

Clause 3rd.—For law officers and native judges, the period of 15 years shall be substituted for that specified in clause 1st, and 22 years for the term mentioned in clause 2nd.

1 This rule applies also to principals and head masters of colleges and schools, and also to inspectors and professors.

2. The concession granted by the rule applies only to cases where the whole of the prescribed period of service has been rendered in the privileged capacities.

3. Law officers are a class which now no longer exists. The designation "native judges" applies to officers in such positions as principal sudder ameen, and moonsiff Goung gyoups in Burmah are also "native judges." Magistrates of police and judges of small cause courts are not "native judges;" but a "native judge" transferred to be a judge of a small cause court will retain his privileges.

Clause 4th.—The rates of pensions shall be fixed on a graduated scale, within the prescribed limitations, with reference to the responsibility and arduousness of the employment, the degree of merit of the individual, and the nature and length of his service.

1. The limit of pension in ordinary cases is Rs. 5,000 per annum; but this is subject to the rules under section 59 of the code.

APPENDIX C.

EXTRACTS.

1.

From the letter of the Government of India in the Financial Department, to the Government of Bengal, No. 3177, *dated* 31*st August* 1871.

4. The references made in your letter to a proposed formation of a pension fund by deduction from salaries probably arise from the orders of this department, No. 940, dated 16th June 1870, which contained, as models, certain rules proposed by the Government of Bombay for the constitution of an educational pension fund there.

5. The Government of India, on a reconsideration of the whole subject, is disposed to withdraw the approval which it then expressed of the scheme set forth in these rules. There is an almost entire absence of data on which to estimate the amount of deduction which would be necessary to render such a fund solvent, and such calculation as can be made, renders it extremely doubtful whether five per cent. is nearly enough to cover the contingent charge; and it is of course out of the question to guarantee from imperial revenues the solvency of any such fund. A pension fund formed by deduction from

salary is, perhaps, objectionable also on another ground, namely, that it, to a certain extent, unnecessarily, fetters the hands of the employer.

6 In the case, therefore, of local funds which will beyond a doubt be able, without embarrassment, to meet the pensionary claims of employés, it seems to the Government of India that it would be best, should the local Government think proper to grant to the employés a right to pension, to leave the pensionary claims to be met when they arise. And in the case of local funds regarding whose position there is not the same absence of doubt, it would appear to be the wisest course to abstain from making any absolute promise of pension. The ability of such funds to provide any pensions which, on special grounds, it may be deemed desirable to grant, can be more easily determined when the claim is presented for consideration, than it can be at a time antecedent by many years to the actual accrual of the charge.

7. It might even be a matter for the consideration of the local Government whether, considering the peculiar constitution of local funds, it would not be well, especially in the case of such as are of uncertain solvency or stability, to credit to a separate account the capital value of any pension granted. The necessity of providing at once the entire value of a pension, instead of throwing the charge forward upon future years, would perhaps afford a useful check against indiscriminate recommendations by those who have the management of the funds.

2.

From resolution of the Government of India in the Financial Department, No. 4359, *dated* 14*th October* 1871.

The position of the Government of India, and the difficulty experienced by native states and public bodies in obtaining competent officers without its assistance, frequently render it necessary for the Government, for political or for public reasons, to transfer its officers to service paid for from sources other than its own revenues. Such transfers would, as a general rule, be impossible if the condition were insisted on, that the officer transferred should give up his privileges as an officer in the service of the Government of India; and in the papers above read, the question is discussed what financial arrangements are proper to be made in the case of officers of Government lent to, or transferred to service paid by, native states, municipalities, and other bodies financially independent of the Government of India, such as courts of wards, port trusts, &c., and permitted at the same time to retain their privileges as servants of the Government of India.

2. The remuneration of officers of Government may be thus classified—

Immediate—Their pay and allowances while on duty;

Contingent—Their absentee allowances;

Deferred—Their pensionary allowances;

and such officers when lent to native states, &c., though they obtained their "immediate" remuneration from the state or fund at the charge of which they are employed, look, for the most part, to the Government of India for their "contingent" and "deferred" remuneration.

3. It may sometimes be expedient, for special reasons, that the Government of India should bear such charges; but, as a rule, it is not so; and it is necessary to prescribe the conditions which should be imposed, so that such

charges may be avoided, unless the Government, for special reasons, accepts them.

4. The Government of India have, accordingly, resolved to require, on account of every officer lent or transferred to a native state, or a municipality or other financially independent body, who is permitted to retain his position in relation to the service of Government, and his claims to absentee and pensionary allowances under the rules of the service to which he belongs, and with regard to whom the exemption contemplated in paragraph 3 is not declared, a contribution proportional to the salary which he receives and regulated on the following principles.

5. In the first place it is to the officers themselves, and not to their employers, that the Government will look for the contribution required: any other course would be productive of difficulty and inconvenience.

6. In the second place, a calculation founded upon such data as are available, shows that the cost to Government of the charges above classed as contingent and deferred, excluding, however, privilege leave allowances, is about one-quarter of the amount actually disbursed in the form of "immediate" remuneration. * * *

13. In the case of covenanted civil servants the contribution of one-fifth required by this resolution includes the four per cent. deduction to the annuity funds which will not be separately levied. The amount of the contribution to be credited to the annuity fund is $3\frac{1}{3}$ *per cent.* of the full nominal pay and acting allowance, being one-twenty-fourth part of the amount retained by the officer after deduction.* This proportion, being one-sixth of the entire contribution, will be credited to the annuity funds, so long as they are maintained.

* *i. e.*, the same as 4 per cent. retained out of 100.

3.

From resolution of the Government of India in the Financial Department, No. 1586, *dated* 22*nd March* 1871.

The Governor General in Council has had under consideration the question of how to guard against fraudulent claims to pensionary allowances being put forward by strangers after the actual incumbents are dead.

2. The chief protection against such claims must be the careful testing by the disbursing officer of each claim at the time it is presented.

3. But it seems advisable also that statistical information regarding pensions should be kept up; and, for this purpose, His Excellency in Council is pleased to direct that, from every office where pensions are disbursed, returns in the annexed form shall annually be made to the account office to which it is subordinate:—

(1).—For pensions not exceeding Rs. 10.
(2).—For pensions exceeding Rs. 10, and not exceeding Rs. 50.
(3).—For pensions exceeding Rs. 50.

The account officers should scrutinise the information thus received in order that enquiry may be at once made where any remarkable longevity appears or where any other anomalous features present themselves.

5. His Excellency in Council is well aware that there is great difficulty in exercising a check, by this means, on the action of local officers. The instances in any single disbursing office are necessarily too few to warrant the assumption that their departure from mathematical regularity requires any special explanation; and, on the other hand, in the compilation of the figures of several offices, the effects caused by the perpetration of frauds in any one would probably disappear in the mass.

6. But while His Excellency in Council, in view of this difficulty in supervising this particular part of their work, confidently expects, at the hands of local officers, extreme caution in dealing with claims to pension, he does not doubt that the information contained in the forms now prescribed will be found, in both central and local offices, to be of great value.

APPENDIX D.

OFFICERS LENT TO NATIVE STATES, MUNICIPALITIES, &C., BEFORE THE 14TH OCTOBER 1871.

Before 14th October 1871, the date of the promulgation of the rules in Chapter VII, service under native states, municipalities, or other bodies financially independent of the Government of India, did not ordinarily qualify, as it did not satisfy the first and third conditions of qualifying service. Unless specially exempted, or unless their case fell within one of the special rules stated beneath, officers, not being covenanted civil servants, or officers of the army, who accepted such service, ceased to have any claim on the Government of India in respect of pensions. The rules in Chapter VII do not affect the position of these officers, and they must abide by the conditions under which they left the regular service. In the same way, officers who may transfer their services in future will have no claim unless the transfer is such as is provided for in these rules.

Special rules in force before the 14th October 1871.

1. Officers transferred by competent authority to service under native states, for a purpose in which the Government is interested, count their service, as if it were under the Government of India.

The following cases are within this rule:—

(*a*).—Teachers transferred to the service of the Chamba state. In this case the pension is paid by the Government of India and the Raja of Chamba according to the rule of proportions.

(*b*).—Officers transferred to service in the Kolapúr school; the pension being chargeable, according to the rule of proportions, to the Government of India, and to a fund formed by a contribution, proportional to salary, paid by the Chief of Kolapúr.

(*c*).—Officers transferred, under the authority of the Government of the Punjab, to service under the Bhawalpúr state. In this case the charge for the pension will be shared by the Bhawalpúr state according to the rule of proportions.

(*d*).—Assistant opium agents in independent native states, whose pay is found by the native states. In this case the pension is also paid by the native states.

2. Subordinates in the revenue survey, temporarily lent to municipalities for duty which, though paid for by them, also promotes imperial interests, count their service as if it were under Government.

3. Medical officers lent to charitable dispensaries or hospitals in British India, count their service as if it were under Government.

4. Officers transferred, on or after 23rd April 1863, by the authority of Government, or their official superiors, from qualifying service under Government, to service of the following descriptions, count their service as if it were paid from the general revenues:—

Service under the courts of wards.

Service in jágír states in Bombay.

Service under the talukdari settlement officer in Bombay.

Provided that six per cent. of the salary be contributed to the Government of India, either by the officer himself, or from the funds whence the salary is paid. This proviso has effect from the 9th November 1870, in the case of service under the courts of wards, and from the 6th July 1871 in the case of service in jágír states or under the talukdari settlement officer.

APPENDIX E.

1.

Pensions for wounds received in action with an enemy are granted in the native army according to the following scale :—

	Ordinary monthly pay.	Monthly pensions.													
			For non-commissioned officers and men.												
			Of and above forty years' service, and of unblemished character				Of and above fifteen years' service				Under fifteen years' service			
	Infantry	For commissioned grades.	1st Degree	2nd Degree	3rd Degree	4th Degree	1st Degree	2nd Degree	3rd Degree.	4th Degree	1st Degree	2nd Degree	3rd Degree	4th Degree
	Rs A P	Rs A. P.	Rs A P.	Rs A P	Rs. A. P	Rs A P.	Rs A P	Rs A. P	Rs A. P	Rs A P	Rs A P	Rs. A P	Rs. A P.	Rs A P.
Subadar	52 0 0	25 0 0												
Jamadar	17 0 0	12 0 0												
Havildar	9 0 0	.....	19 0 0	17 4 0	17 4 0	14 15 3	14 0 0	12 4 0	12 4 0	9 15 0	12 4 0	8 12 0	7 0 0	5 11 0
Naik	7 0 0	.....	16 0 0	14 8 0	14 8 0	12 8 6	12 0 0	10 8 0	10 8 0	8 8 6	10 8 0	7 8 0	6 0 0	4 14 0
Sepoy	5 8 0	.....	11 0 0	10 0 0	10 0 0	8 11 0	8 0 0	7 0 0	7 0 0	5 11 0	7 0 0	5 0 0	4 0 0	3 4 0

1st Degree.—Men losing two limbs or both eyes from wounds, or being so severely wounded as to be totally incapable of earning a livelihood, and to require the care and assistance of some other person

2nd Degree—Men losing one limb or one eye, or being so disabled as to be incapable of earning a livelihood, though not requiring the care of another person

3rd Degree—Men not losing a limb or an eye, who have received an injury equal to the loss of a limb, or who are otherwise so disabled as to be capable of contributing in only a small degree towards earning a livelihood.

4th Degree—Men able to contribute materially towards a livelihood, although unfit, from wounds, for the ordinary duties of the service.

Appendix E.

2.

PENSIONS to the heirs of native soldiers who may be killed or die from wounds received in action, are granted according to the following scale:—

GRADES	Ordinary monthly pay — Infantry.	Monthly pensions.
	Rs A P	Rs A P.
Subadar	52 0 0	36 0 0*
Jamadar	17 0 0	13 13 0*
Havildar	9 0 0	4 8 0
Naik	7 0 0	3 8 0
Sepoy	5 8 0	2 12 0

* A gratuity of one year's pay of the regimental rank of the deceased in addition

SUPPLEMENT A.

COVENANTED CIVIL SERVANTS.

[NOTE.—The rules in this supplement are already in force for the Bengal civil service. Their extension to the Madras and Bombay civil services is under discussion; but, at present, the members of these two services are not entitled to any annuity from the state. They obtain annuities under the rules of their respective annuity funds.]

Section 1.—Annuities and gratuities are granted to covenanted civil servants of the Crown in India under the following rules.

Section 2.—"Active service" includes, besides time spent on duty:— "Active service."

(*a*). The interval between the date of an officer's first arrival in India, and the date on which he joins his first appointment.

1. The date of an officer's first arrival in India is held to have been as follows:—

Before the 31st January 1868—the date of his actual arrival in India.

From the 31st January 1868 to the 4th May 1869, inclusive—the date on which he reported his arrival at the capital town of the presidency to which he was attached; or, if he was attached to the North-Western Provinces, the Punjab or Oudh, and had permission to come to India, *viâ* Bombay, the date on which he reported his arrival at Bombay.

Since the 5th May 1869—the date on which he reports his arrival either at the seat of the Government to which he is attached; or at any other station to which he may be ordered, or permitted, to proceed direct.*

* In public despatch No. 71, dated 23rd October 1873, the secretary of state was requested to instruct all newly appointed members of the covenanted civil service, who have been posted in England, to the North-Western Provinces, Punjab, and Oudh, and who intend to come out to India *viâ* Bombay, to enquire at the secretariat of the Bombay Government for any orders that may be awaiting their arrival, and in the event of their not receiving at Bombay any orders as to their ultimate destinations, to proceed at once to Allahabad, and there to report themselves both to the secretary to the Government of India in the home department and to the secretary to Government of the North-Western Provinces. Until instructions for their distribution among the several Governments in Upper India shall have been issued, these officers will be considered to be attached to the Government of the North-Western Provinces; but it is believed that the Government of India will be ordinarily able to arrange that orders as to the particular destination of each officer will be awaiting his arrival at Bombay.

Supplement A.—Covenanted Civil Servants.

2. If an officer does not join his first appointment within the joining time allowed to him, the interval between the end of joining time and the date on which he actually joins, is not reckoned as "active service."

(*b*). Time passed in India, out of employ, on subsistence allowance, but not on furlough.

1. If a covenanted civil servant on his first arrival in India is unable, through bad health, to proceed to the seat of the Government to which he is attached or to any other station to which he may have been ordered, the local Government in whose jurisdiction he is, may, on medical certificate, grant to him a subsistence allowance of two hundred and fifty rupees a month, for not more than two months. Time thus spent, is not reckoned as active service.

(*c*). Subsidiary leave of absence.

1. "Subsidiary leave" includes the corresponding "special leave" under the rules in force before the 1st July 1868.

(*d*). Privilege leave of absence.

1. "Privilege leave" includes the corresponding "short leave on private affairs" and "leave on private affairs" under the leave rules in force before the 1st July 1868.

(*e*). Leave of absence within the limits of the East India Company's charter, which counted as service and residence under the rules in force before the 18th June 1855.

Leave of absence on urgent private affairs granted before the 3rd January 1863.

1. Examination leave of absence is also reckoned as active service; but not more than twelve months can be so reckoned to any officer.

2. One year of leave of absence on medical certificate was reckoned as "residence" under the leave rules in force before the 1st July 1868. This is not reckoned as "active service;" as a reduction of one year has been made in the period required to qualify for annuity.

Section 3.—Four per centum shall be deducted, at the time of payment, from the salary and other public emoluments, as specified below, of every officer :— Deduction from salary.

BENGAL CIVIL SERVICE.—From every allowance excepting, (1) travelling allowance at mileage rates, (2) minimum furlough allowance, (3) subsistence allowance while on furlough, and (4) establishment allowance.

MADRAS CIVIL SERVICE.—From (1) pay, (2) acting allowance, (3) deputation allowance, (4) subsistence allowance when

Supplement A.—Covenanted Civil Servants.

not on leave, (5) personal allowance, (6) local allowance, (7) fees or a proportion of fees received, (8) allowance on privilege leave, and (9) allowance on subsidiary leave.

BOMBAY CIVIL SERVICE.—From (1) pay, (2) acting allowance, (3) deputation allowance, (4) subsistence allowance when not on leave, (5) personal allowance, (6) local allowance, (7) fees or a proportion of fees received, (8) sumptuary allowance, (9) allowance on privilege leave, and (10) allowance on subsidiary leave.

1. The deduction from salary required by this section is included in the deduction made under Chapter VII of the Code, and is not to be separately made.

Retiring annuity.

Section 4.—An officer who has been twenty-five years in the service, counting from the date of his covenant, or from the date of the despatch of the secretary of state announcing his appointment (whichever may have been earlier),

and who has rendered twenty-one years' active service,

is entitled, on his resignation of the service being accepted, to an annuity of £1,000.

1. The following rules regulate the procedure with respect to applications for annuity:—

(*a*). An application for permission to resign the service, and to obtain an annuity, should, if the officer be in India, be submitted to the Government of India, Madras, or Bombay (as the case may be). If the officer be in Europe, it may be submitted to Her Majesty's secretary of state for India.

(*b*). In the Government of India, such an application is considered first in the home department, which, if the application be for annuity under Section 4, should obtain the report of the comptroller general as to the officer's claim in respect of service and active service, and also as to whether there are any demands against him on account of the deduction prescribed in Section 3, or on any other account.

(*c*). If the resignation of the officer be accepted, the case should be forwarded to the financial department, where a resolution will be recorded, granting the annuity or gratuity to which the officer may be entitled.

(*d*). The copy of this resolution forwarded to the officer will be his authority for drawing the annuity or gratuity.

Supplement A.—Covenanted Civil Servants.

An officer may resign the service when absent in Europe on furlough. It is not necessary that he should first return to India.*

Invalid annuity

Section 5.—An officer who, being declared by a medical certificate in due form, to be incapacitated for further service, is permitted to resign the service before he is entitled to an annuity under Section 4, is entitled to a gratuity or annuity as follows:

(*a*). If he have been in the service for less than five years;—a gratuity of £500.

(*b*). If he have been in the service for five years or more;—an annuity of £150, plus £20 for each complete year of service in excess of five: provided that the whole annuity shall not exceed £450.

Place and rate of payment.

Section 6.—Annuities are payable, in arrear, quarterly, and to date of decease.

The annuity of an officer who leaves India by sea when retiring from the service at the end of subsidiary leave, begins on the day of the departure of the vessel in which he sails. His subsidiary leave ceases after the day before the vessel sails.

Section 7.—Payment of these annuities and gratuities may be taken at the home treasury in sterling, or, in India, in Government rupees, at the following rate:

If the annuitant was a member of the Bengal civil service;—10⅔ Government rupees for each pound sterling;

If the annuitant was a member of the Madras or Bombay civil service;—10·65 Government rupees for each pound sterling;

Transfer from the home treasury to an Indian treasury, or *vice versâ*, is permitted only once.

[NOTE.—The reason of the difference in the rates of exchange is to be found in the history of the annuity funds. The rates of exchange differ considerably in the various service funds.]

* *Extract paragraph* 1, *from a despatch from Her Majesty's secretary of state for India, No.* 135, *dated the* 27*th March* 1873.

1. I have considered in Council your financial letter, dated the 24th January last, No. 30, and have to acquaint you that, in future, a covenanted civil servant who may resign the service in this country will, on application, be granted advances, pending production of the usual annuity certificate, provided that he shall have completed the requisite period of service and residence, and elected to draw his annuity in this country.

Supplement B.—Judges of the High Courts.

Section 8.—After thirty-five years' service, counting from the date of his arrival in India, no officer shall be appointed to any new office nor be permitted to retain an office which he has held for a period of five years and upwards, except in special cases, which are to be referred for the decision of the secretary of state. The term "office" includes officiating appointments.

SUPPLEMENT B.

JUDGES OF THE HIGH COURTS.

[NOTE.—The following are the regulations made by the secretary of state in council of India, under the provisons of 24 & 25 Victoria, Cap. 104, Sec. 6, respecting the retiring pensions of the judges of the High Courts. They were approved in the judicial despatch from the secretary of state, No. 43, dated 11th October 1871.]

Section 1.—A chief justice of the High Court at Calcutta, after an actual service of eleven and a half years as judge of the High Court, of which period at least half shall have been in the office of chief justice, shall receive a pension not exceeding £1,800 per annum.

[NOTE.—In these rules, "actual service" includes the period during which a judge is carrying on his duties in a High Court, also periods spent on privilege and subsidiary leave, and periods of vacation during which the judge is not on furlough or extraordinary leave.

"Extraordinary leave" means any leave granted otherwise than under the rules made by the secretary of state in council of India, under the provisions of the Act of Parliament above quoted.]

Section 2.—A puisne judge of the High Court at Calcutta, on the same terms as to length of service, shall receive a pension not exceeding £1,200 per annum.

Section 3.—A chief justice of the High Courts of Madras, Bombay, and the North-Western Provinces, respectively, after an actual service of eleven and a half years as judge of the High Court, of which period at least half shall have been in the office of chief justice, shall receive a pension not exceeding £1,500 per annum.

Section 4.—A puisne judge of the High Courts of Madras, Bombay, and the North-Western Provinces,

Supplement B.—Judges of the High Courts

respectively, on the same terms as to length of service, shall receive a pension not exceeding £1,200 per annum.

Section 5.—A chief justice or puisne judge compelled to retire, on medical certificate, after six years and nine months' actual service, shall receive a pension not exceeding one-half the amount of pension allowed for the full period of service.

Section 6.—In the event of a judge of the High Court, selected from the covenanted or uncovenanted services, receiving a pension under these rules, he will not be entitled to any pension or retiring allowance under the rules applicable to covenanted and uncovenanted servants, respectively.

Section 7.—When a judge of the High Court, selected from the covenanted or uncovenanted branches of the civil service, is permitted to retire before completing the full period of service entitling him to the pension of a judge of that court, he shall, on retiring, receive such a pension as he would be entitled to under the rules applicable to covenanted and uncovenanted servants, respectively, reckoning the period during which he shall have served as judge of a High Court towards his time for such pension.

Section 8.—Provided, however, that if a judge of the High Court, selected from the covenanted or uncovenanted branches of the civil service, shall be compelled to retire, on medical certificate, after six years and nine months' actual service, he shall be allowed the option of taking his pension or retiring allowance either under these rules or under the rules applicable to the service to which he belongs.

Section 9.—A judge of the High Court, selected from the covenanted civil service, shall be required to continue his subscriptions to the civil annuity and civil service funds.

Section 10.—If a judge be transferred from one court to another, the period for which he has officiated in the first court shall count as service qualifying for retiring pension.

Section 11.—If a puisne judge be promoted to be a chief justice in the same or another court, the time

Supplement C.—Chaplains.

for which he has served as puisne judge will count for pension, according to the rate of a puisne judge's pension, and the time for which he serves as chief justice will count for pension according to the rate of a chief justice's pension.

Section 12.—If a puisne judge of Madras, Bombay, or North-Western Provinces be promoted to be chief justice of Calcutta, the time for which he has served as a puisne judge will count for pension at the rate of a puisne judge's pension, and the time for which he serves as chief justice of Calcutta will count for pension according to the rate of such chief justice's pension.

Section 13.—If a chief justice of Madras, Bombay, or the North-Western Provinces be transferred to be chief justice of Calcutta, the time for which he has served in the former capacity will count for pension according to the rate of pension of a chief justice of Madras, Bombay, or the North-Western Provinces, and the time for which he serves as chief justice of Calcutta shall count for pension according to the rate of pension of a chief justice of the High Court of Calcutta.

SUPPLEMENT C.

CHAPLAINS.

[NOTE.—The rules in this supplement are now in general operation, except that the present senior chaplain of the Scotch Church in Bombay, when he has served his time for pension, will have the option of continuing to draw allowances on the old scale and abiding by the old scale of pension, or of drawing allowances on the new scale, or retiring, in which case his pension will be regulated by the rules in this supplement. The present senior chaplain of the Scotch Church in Calcutta has elected the old scales of allowances and pension.]

Section 1.—Pensions are granted to chaplains under the following rules.

Section 2 (*a*).—" Residence" is reckoned, in the case of a chaplain appointed in England, from arrival in India; and in the case of a chaplain appointed in India, from date of covenant. It includes (1) time

Residence and service.

Supplement D —Members of the Pilot Service in Bengal

spent on duty, (2) privilege and subsidiary leave, (3) time passed out of employ, in India, otherwise than on leave.

(*b*). "Service" includes "residence," and, also, all time spent on leave of any description; but no time before the beginning of "residence."

Section **3**. A chaplain who has completed seventeen years' residence and twenty years' service, or, if appointed before the 11th January 1854, fifteen years' residence and eighteen years' service, is entitled to a retiring pension of £365 a year. Retiring pension.

1. Pensions are granted either by the Government of India, Bombay, or Madras (as the case may be), or by the secretary of state. A chaplain proceeding to England after obtaining pension in India, should be careful to take with him the usual last-pay certificate

2. A chaplain absent on furlough, may retire without returning to India.

Section **4**. A chaplain must retire after twenty-five years' service, unless especially exempted by the secretary of state, on the recommendation of the Governor General in Council, or, if he belong to the Madras or Bombay establishment, of the Governor in Council of his presidency. Compulsory retirement.

Section **5**. A chaplain who is obliged, by bad health, to retire after completing seven years' residence, but before completing the periods of residence and service required by Section 3, is entitled to an invalid pension of £127-15-0 a year. If he have completed ten years' residence, he is entitled to £173-7-6 a year. Invalid pension.

SUPPLEMENT D.

MEMBERS OF THE PILOT SERVICE IN BENGAL.

[*Note.*—The following rules were declared in 1835.]

Section **1**.—In consideration of a monthly contribution to the extent noted in the margin, by the pilots of the several grades towards a fund for pensionary support to their widows and

	Contribution.	
Branch pilot, at ...	Rs. 40	a month.
Master . ..	„ 20	„
First mate ...	„ 10	„
Second mate & volunteer	4	„

Supplement D—Members of the Pilot Service in Bengal

orphans, the following pensions will be allowed by Government :—

Branch pilot	Rupees	200	a month.
Master	„	100	„
First mate	„	60	„
Second mate & volunteer ...	„	30	„

FAMILIES.

Widow of branch pilot	Rupees	100	a month.
Ditto „ master	„	50	„
Ditto „ first mate	„	30	„
Ditto „ second mate & volunteer	„	15	„

CHILDREN.

Girls until 10 years of age ...	Rupees	14	a month.
„ after 10 years until married	„	20	„
Boys until 15 years of age ...	„	12	„

1. The widow of a pilot married to him after he became a pensioner, and the children of such a marriage, are not entitled to the benefit of these rules.

Section **2** (*a*). Pilots are entitled to pension at the above rates on medical certificates by the standing invaliding committee.

(*b*). A pilot after thirty years' actual service in India, if he shall have attained the grade of branch pilot, shall be entitled to retire upon the pension of Government Rs. 200 a month, or if below the grade, upon a pension of Government Rs. 100 a month, provided that in any period of three consecutive years the number of pensions so granted do not exceed four.

Section **3**.—To entitle widows and orphans to the above pensions, pilots are to forward to the master attendant, certificates of their marriage, of the births of their children and of their baptism, within one month after the occurrence thereof. Notices of death are in like manner to be forwarded to the master attendant.

Section **4**.—No widow who may have been legally divorced or separated from her husband for adultery, or who at the period of her husband's demise, may have quitted his protection and be living in a state of notorious adultery though not divorced or separated from him by law, or who, subsequently to her husband's decease,

Supplement D.—Members of the Pilot Service in Bengal.

may be living in a notorious state of incontinence, and no female orphan living in such state, shall be entitled to receive, or continue to receive, any pension under these rules.

Section 5.—If a widow pensioner marries, her pension is to cease during her coverture; but, in the event of her again becoming a widow, she shall be re-admitted to the pension to which she was entitled during her first widowhood, unless her second husband shall have been a member of the pilot service, and have been at his death of a higher grade than her first husband, in which case she shall be entitled to the pension of the higher rank.

Section 6.—All pensioners under these rules are to make personal appearance at the accountant general's office on the first day of every alternate month, or to afford such other proof of their existence as the accountant general may, from time to time, require.

Section 7.—Widows and female orphans above the age of fifteen years are required to forward to the accountant general's office declarations, half-yearly, in May and November, that they are not married, and that they have not been married at any intervening period. The declarations are to be countersigned by the executor to the estate of the deceased member of the pilot service, or pensioner, or by the guardian of an orphan, and by a member of the pilot service, certifying to the truth of the declaration to the best of their knowledge and belief. Forms of the declaration will be furnished on application at the office of the accountant general.

Section 8.—Contributions to the pension fund by members of the pilot service who joined the service on or before the 1st July 1835, and pensions to them and to their families, will continue to be paid in sicca rupees. All other contributions, allowances, and pensions, will be paid in Government rupees.

1. If pensions payable in sicca rupees are paid at the home treasury of the Government of India, payment is made at 24·035*d.* for each sicca rupee.

THE CIVIL LEAVE CODE.

FORT WILLIAM.

FINANCIAL DEPARTMENT.

The 1st December 1873.

FROM the date of the publication of this edition of the CIVIL LEAVE CODE, the first edition, and all notifications and orders thereunder, become obsolete.

This second edition only should hereafter be quoted.

By order of the Governor General in Council,

R. B. CHAPMAN,

Secretary to the Government of India.

THE CIVIL LEAVE CODE.

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THE

CIVIL LEAVE CODE.

CHAPTER I.

PRELIMINARY.

Section 1.—Leave of absence from duty may be granted under the rules in this code to— Extent of application.

(*a*), all covenanted civil servants of the crown in India, excepting— Covenanted servants.

Lieutenant-Governors;

Ordinary members of the council of the Governor General, or of the Governor of Madras or Bombay;

Judges of the High Courts;

(*b*), to all uncovenanted civil servants of the classes enumerated in schedule A, who either have been, or may hereafter be, appointed to the service of the Government of India by, or with the special sanction of, Her Majesty's secretary of state for India, or who may be specially admitted to the benefit of these rules. Uncovenanted servants.

[NOTE.—These officers were admitted to the benefits of these rules from the 3rd January 1872, being the day on which the despatch from the secretary of state No. 451, dated 6th December 1871 was received.]

1. A servant under contract is not entitled to leave, except in accordance with the terms of his contract. But if a servant of the class defined in clause (*b*) of this section is, by the terms of his contract of service, entitled to leave under the uncovenanted service leave rules, the rules referred to shall be held to be the rules in this code. Servants under contract.

Section 2.—Leave of absence from duty may be granted under the rules in the supplements to this code—

(*a*), to the officers excepted under Section 1 (*a*), (supplements A & B); Barrister judges.

Préliminary.

(*b*), to the following officers, being barristers of England or Ireland, or members of the faculty of advocates of the court of session of Scotland, *viz.*,—

Judges of the chief court of the Punjab:

First judges of small cause courts of presidency towns;

Recorder of Rangoon;

Secretary to the council of the Governor General for making laws and regulations;

(Supplement B).

(*c*), to law officers of Government (Supplement C);

(*d*), to bishops and chaplains (supplements D & E); Chaplains.

(*e*), to uncovenanted servants other than those mentioned in Section 1 (*b*), (Supplement F). Uncovenanted servants.

Section 3.*—Leave of absence can never be claimed absolutely, as of right. Nothing in this code must be understood to limit the free discretion of the Government to refuse or revoke leave of absence of any description, at any time, according to the exigencies of the public service. Discretion of Government.

1. If a local Government, under this section, refuse furlough to an officer of the Bengal covenanted civil service, it should report the refusal for the sanction of the Government of India in the home department.

Section 4.*—If an officer who is absent on leave, obtains promotion, substantive or officiating, or an increase of pay or acting allowance, which involves no change in or addition to his duties or responsibility, the promotion or increase shall have effect at once. Otherwise the promotion of an absent officer shall have effect only from the date of his return to duty.

Section 5.—An officer who is discharged from the public service, and re-employed after an interval, cannot, without the sanction of the Government of India, count his service prior to discharge towards leave after re-employment.

* Applies to all officers in civil employ.

Definitions.

Section 6.*—If an officer who has obtained leave of absence makes over charge of his office before noon, his leave begins on and includes that day, otherwise it begins on the following day.

1. If the absence of the officer does not involve the deputation of any officer from another station, or any formal transfer of charge in the way of taking over money, or the like, then the local Government may, by a special order, permit the absentee to leave his station at the close of the last day on which the office is open for business before his leave begins. In such case the several transfers of charge dependent upon the departure of the absentee shall take effect from the close of the last working day as aforesaid. But the leave of the absentee and the re-arrangement of allowances, if any, depending upon his departure, shall begin from and include the first day thereafter on which the office is open for business.

CHAPTER II.

DEFINITIONS.

Section 7.—In these rules, unless there be something repugnant in the subject or context— Active service.

(*a*). "Active service" includes, besides time spent on duty:—

(1). Privilege leave of absence.

1. "Privilege leave" includes the corresponding leave, (then called "short leave on private affairs" and "leave on private affairs") under the covenanted service leave rules in force before the 1st July 1868.

(2). Subsidiary leave of absence.

1. "Subsidiary leave" includes the corresponding leave, (then called "special leave") under the covenanted service rules in force before the 1st July 1868; and also preparatory leave under the uncovenanted service leave rules.

In the case of covenanted civil servants, active service includes also—

(3). The interval between the date of an officer's first arrival in India, and the date on which he joins his first appointment.

---

* Applies to all gazetted officers in civil employ.

Definitions.

1. The date of an officer's first arrival in India is held to be as follows:— Arrival in India.

Before the 31st January 1868;—the date of his actual arrival in India.

From the 31st January 1868 to the 4th May 1869, inclusive;—the date on which he reported his arrival at the capital town of the presidency to which he was attached; or, if he was attached to the North-Western Provinces, the Punjab, or Oudh, and had permission to come to India *viâ* Bombay, the date on which he reported his arrival at Bombay.

Since the 5th May 1869;—the date on which he reports his arrival either at the seat of the Government to which he is attached, or at any other station to which he is ordered, or permitted to proceed direct.

2. If an officer does not join his first appointment within the joining time allowed him, the interval between the end of such joining time and the date on which he actually joins, is not active service.

(4). Time passed in India, out of employ, on subsistence allowance, but not on furlough.

1. If a covenanted civil servant on his first arrival in India is unable, from illness, to proceed to the seat of the Government to which he is attached, or to any other station to which he is ordered to proceed direct, the local Government in whose jurisdiction he is, may, on medical certificate, grant to him a subsistence allowance of two hundred and fifty rupees a month, for not more than two months. Time thus spent is not active service.

(5). Leave of absence within the limits of the East India Company's charter, which counted as service and residence under the covenanted service leave rules in force before the 8th June 1855.

(6). Leave of absence on urgent private affairs granted before the 3rd January 1863.

1. Examination leave of absence is also "active service;" provided that not more than twelve months of such leave can be so reckoned to any officer.

2. One year of leave of absence on medical certificate was reckoned as "residence" under the covenanted civil service leave rules in force before the 1st July 1868, but is not "active service."

(*b*). "Extraordinary leave" means leave of absence granted otherwise than under the rules in this code or its supplements. Extraordinary leave.

Example.—Leave in extension of the three years admissible under Section 10.

Definitions.

(*c*). "Continuous service" and "continuous active service" mean the service, and active service, of an officer since his last return from leave of the following kinds, namely:— Continuous service.

in the case of a covenanted civil servant:—furlough or extraordinary leave lasting more than three months;

in the case of an uncovenanted civil servant:—furlough, special leave, or extraordinary leave, whether more or less than three months;

or, in either case, if he have not had such leave, since the beginning of his active service.

No leave can be included in continuous service, except—

in the case of a covenanted civil servant:—privilege leave and special leave;

in case of an uncovenanted civil servant:—privilege leave.

1. Examination leave may also be included, unless the officer have already had twelve months' such leave.

(*d*). "Pay" means substantive pay. "Pay" includes also the subsistence allowance of a covenanted civil servant who has an officiating, but not a substantive appointment. "Salary" is the sum of pay and acting allowance. Pay and salary

1.* Personal allowance is, for the purposes of this code, to be taken as part of an officer's substantive pay.

2.* "Salary" does not include house-rent, tentage, or travelling allowances whether daily, monthly, or annual; nor does it include "local allowances," which are paid in full to the officer performing the duty for which they are given, no part being allowed to an absentee.

(*e*). "Local Government" includes a department of the Government of India, a chief commissioner, the resident at Hydarabad, and the agents of the Governor General in Rajputana and Central India. Local Government.

* Applies to all officers in civil employ.

Furlough.

CHAPTER III.

FURLOUGH.

Section 8.—The amount of furlough admissible to a covenanted civil servant, and the aggregate amount of furlough and of special leave with allowances, admissible to an uncovenanted civil servant, is limited to six years. All the rules in the code are subject to this limitation. Aggregate admissible.

Explanation.—The following leave under other rules, is counted as furlough under this section :—

in the case of a covenanted civil servant :—furlough, and leave with allowances on medical certificate, under former rules;

1. Leave of the kind described in Section 7 (*a* 5) is not counted against an officer under this section.

in the case of an uncovenanted civil servant :—furlough, and leave with allowances on medical certificate, and leave on private affairs, under former rules, or under the rules in supplement F to this code.

Section 9 (*a*).—The amount of furlough "earned" by an officer is one-fourth of his active service.

1. Leave of the kind described in Section 7 (*a* 5) counts as active service under this section.

Proviso.—Provided that, in making this calculation for an uncovenanted civil servant, only half of the active service rendered by him in offices other than those included in schedule A shall be taken into account.

1. The whole of the active service rendered while officiating in any of the offices included in schedule A is to be taken into account.

(*b*). The amount of furlough "due" to an officer is the amount which he has earned, diminished by— Amount due

in the case of a covenanted civil servant :—

(1) the amount of furlough which he has enjoyed under these or any former rules, except junior furlough under the rules in force before the 8th June 1855;

(2) the excess over one year in the amount of leave with allowances on medical certi-

Furlough.

ficate, which he has enjoyed under former rules.

In the case of an uncovenanted civil servant :—

(3) the amount of furlough, or special leave with allowances, which he has enjoyed under these or any other rules ;

(4) the amount of leave on private affairs, or on medical certificate with allowances, which he has enjoyed under the rules formerly applicable to him.

Proviso.—Provided that if more than two years' furlough be due to an uncovenanted civil servant when he is first admitted to the benefit of these rules, the excess shall be cancelled.

Section **10** (*a*).—To an officer who has rendered three years' continuous service, furlough for not more than two years may be granted, as follows :— Amount admissible after three years' service.

on medical certificate :—unconditionally ;

See Section 28, *Rule* 2.

without medical certificate :—subject to these provisoes :—

(1) that the furlough be due to him ;

(2) that he have rendered eight years' active service ;

(3) that the whole number of officers absent on furlough and special leave do not exceed the limit appointed by the Government of India.

1. Except on medical certificate, or on very urgent private affairs, furlough or special leave may not be granted to a covenanted civil servant in Oudh, the Central Provinces, British Burmah, Ajmír, Mysore and Coorg, and the Berars, if one-fifth of all the officers serving in the same commission are already absent on furlough or special leave. Elsewhere, it may not be granted, if one-fifth of the whole number of covenanted civil servants serving under the orders of the same local Goverment are already absent on furlough or special leave. Limit.

(*b*). Furlough granted under this section may, on medical certificate, be extended to not more than three years.

Furlough.

Section **11** (*a*).—To an officer who has not rendered three years' continuous service, furlough for not more than one year may be granted on medical certificate. After less than three years' service.

(*b*). Furlough granted under this section for less than one year may, on medical certificate, be extended to not more than one year.

Section **12** (*a*).—An officer on ordinary furlough has a lien on his substantive appointment, or on a substantive appointment of a like character and not less pay.

Explanation.—Ordinary furlough includes— Ordinary furlough.

(1) the first two years of each separate period of furlough under Section 10;

(2) so much of furlough under Section 11 as may be due, provided the officer have rendered six months' continuous active service.

(*b*). On other furlough, a covenanted civil servant has no lien; but an uncovenanted civil servant has a lien. Other furlough

1.* An officer may not surrender his lien; and a local Government may not fill up substantively, even for a time only, an appointment on which an officer has a lien, without transferring the officer to another substantive appointment of not less pay. The saving which accrues to the State by paying acting allowances, instead of substantive, must be carefully secured as a set-off against the cost of leave allowances.

2.* An officer may have a lien on an appointment without having actually joined it.

3.* An officer on furlough has no claim to substantive promotion; but there is no objection to such promotion.

4.* An officer on furlough has no lien on an acting appointment.

Section **13** (*a*).—An officer on ordinary furlough is entitled, subject to the limitations prescribed in clauses (*b*) and (*c*) of this section, to a leave allowance equal to half the average salary which he has earned during so much of his continuous active service as is within the three years preceding the day on which he gives up office. Allowances on ordinary furlough.

Provided that subsidiary leave shall not be included in active service under this section; nor periods during

* Applies to all officers in civil employ.

Special Leave of Absence.

which an officer has been out of employ in India, otherwise than as a penalty for misconduct.

In the case of a commissioned military officer in civil employ who takes subsidiary or preparatory leave before furlough, the words "prior to his proceeding on furlough" in Rule 5 of the military furlough regulations of the 10th November 1868, shall be understood to mean *prior to his being relieved of his duties.*

(*b.*) The maximum leave allowance of a covenanted civil servant on ordinary furlough, is, if paid at the home treasury of the Government of India, £250 a quarter, and if paid in India, Rs. 833⅓ a month. The minimum is, if paid at the home treasury, £125 a quarter, or his last salary, whichever is less, and if paid in India, Rs. 416⅔ a month, or his last salary, whichever is less. Limits.

(*c.*) The maximum leave allowance of an uncovenanted civil servant on ordinary furlough is, if paid at the home treasury of the Government of India, £200 a quarter, and if paid in India, Rs. 666⅔ a month. There is no minimum.

1. An officer on furlough does not forfeit his past leave allowance by resigning the service without returning to India.

Section **14.**—An officer on furlough, other than ordinary, is entitled, if a covenanted civil servant, to subsistence allowance, and, if an uncovenanted civil servant, to £120 a quarter paid at the home treasury, or Rs. 400 a month paid in India, or to one quarter of the average salary defined in Section 13 (*a*), whichever is less. On other furlough.

1. The following are the rates of monthly subsistence allowance for covenanted civil servants:— Subsistence allowance.

To an officer of not more than eight years' actual residence in India ...	Rs. 250
To an officer of more than eight, but less than twelve years' actual residence in India ...	„ 320
To an officer of twelve or more years' actual residence in India ...	„ 400

CHAPTER IV.

SPECIAL LEAVE OF ABSENCE.

Section **15.**—Special leave on urgent private affairs may be granted at any time, for not more than six months: Amount admissible.

Subsidiary Leave of Absence.

Provided that an officer who has had special leave, must render six years' active service before he can again have such leave.

1. The corresponding leave under the covenanted civil service leave rules in force before the 1st July 1868, is "special leave" within the meaning of this proviso.

Section **16**.—An officer on special leave, has a lien on his substantive appointment, or on a substantive appointment of a like character and not less pay. Lien.

See Rules under Section 12.

Section **17**(*a*).—For the first six months for which an officer is on special leave, whether the six months be included in the same leave or not, he is entitled to the leave allowance admissible under Section 13. Allowances

(*b*).—Thereafter he is entitled to no leave allowance.

1. The corresponding leave under the covenanted civil service leave rules in force before the 1st July 1868 is "special leave" within the meaning of this section.

CHAPTER V.

SUBSIDIARY LEAVE OF ABSENCE.

Section **18**(*a*).—Furlough and special leave, out of India, begin on, and include, the day of the departure of the vessel in which the officer sails*; and to an officer taking such leave, subsidiary leave, not ordinarily exceeding thirty days, may be granted from the day on which he gives up office, to the day before that on which his furlough or special leave begins. Amount admissible.

(*b*).—Furlough and special leave, out of India, end on, and include, the date of the arrival of the vessel in which the officer returns*; and to an officer coming back from such leave, subsidiary leave, not ordinarily exceeding thirty days, may be granted from the day after that on which the vessel arrives, to the day before that on which he assumes the office to which he may be appointed.

*Applies to a commissioned military officer in civil employ.

Subsidiary Leave of Absence.

1. For the interval between giving up charge of office and the beginning of furlough out of India, and between the end of furlough out of India and the assumption of office, a commissioned military officer in civil employ is allowed subsidiary leave not ordinarily exceeding in each case thirty days.

2. Subsidiary leave may be granted to a covenanted civil servant retiring from the service, to the same extent, and with the same allowances, as if he were going on furlough. To an uncovenanted civil servant, such leave may be given on half-pay for fourteen days, but only if it causes no additional expense to the state.

3.* Subsidiary leave for more than thirty days may be granted in cases of necessity, but all such grants, and the reasons for them, must be reported to the Government of India.

Port of embarkation.

4. An officer may leave India, or return to India, by any port; but the dates by which the beginning and end of furlough and special leave are determined, are the date of the vessel's departure from the port where he first meets it, and arrival at the port where he quits it. For instance, an officer sailing from Calcutta in a vessel which touches at Madras, counts by the date of departure from Calcutta, and not from Madras.

5.† An officer serving the Government of India in Persia or Arabia may leave the country in which he is serving, or return to it, by any port or frontier town he likes, provided that the journey to or from such port or frontier town must not exceed thirty days. The certificate showing the date of departure or return must be given by the British Consul if there be one, otherwise, by the officer himself.

6. In the case of a commissioned military officer in civil employ, days of embarkation and debarkation are parts of furlough, and furlough allowances only are admissible for such periods.

In such cases, furlough cannot be extended on the ground that the vessel in which an officer leaves India, or returns to it, touches at some other port in India after the first embarkation or before the final debarkation.

7.* The date of the departure of a vessel from Calcutta is held to be the date on which the pilot leaves it at sea.

Reports required.

8.* An officer embarking after subsidiary leave must report his departure to the local Government which granted him the leave, and he must report his arrival in England to the secretary of state.

Explanation.—An officer may take furlough or special leave, partly in, and partly out of, India. But subsidiary leave is not admissible under clause (*a*) of this section, unless the furlough or special leave begins

* Applies to a commissioned military officer in civil employ.

† Applies to all officers who are subject to the rules in the supplements to this code, excepting Supplement F.

Subsidiary Leave of Absence.

as furlough or special leave out of India; nor under clause (*b*), unless it ends as furlough or special leave out of India.

1.* If an officer remains in India after the end of subsidiary leave under clause (*a*), his furlough or special leave will be held to have begun as furlough or special leave in India, and will be counted from the day on which he gave up office.

Section 19 (*a*).—An officer on subsidiary leave under clause (*a*) of Section 18 has, or has not, a lien on an appointment, according as he has, or has not, such lien on the first day of the leave to which it is subsidiary. Lien.

(*b*).—An officer on subsidiary leave under clause (*b*) of Section 18 has, or has not, a lien on an appointment, according as he has, or has not, such lien on the day last preceding the subsidiary leave.

Section 20.—An officer on subsidiary leave is entitled to allowances as follows:— Allowances.

(*a*). If the leave be subsidiary to special leave, and the officer have had leave subsidiary to a former special leave:—no allowance. Special leave.

1. The corresponding leave under the covenanted civil service rules in force before the 1st July 1868 is special leave within the meaning of this clause.

(*b*). If the leave be subsidiary to ordinary furlough, or special leave:—the allowance admissible under Section 13, but calculated, in the case of a covenanted civil servant, without limitation of maximum or minimum. Ordinary furlough.

(*c*). If the leave be subsidiary to furlough other than ordinary:—the allowance admissible under Section 14. Other furlough.

(*d*). If the officer, under Section 27, have ceased to have a lien on a substantive appointment:—in the case of a covenanted civil servant, subsistence allowance; and in the case of an uncovenanted civil servant, no allowance

1.* An officer may draw allowances as if he were on privilege leave, for any part of his subsidiary leave under clause (*a*) of Section 18, for which, if he were not going on furlough or special leave, privilege leave would be admissible to him. Privilege leave allowances.

* Applies to a commissioned military officer in civil employ.

Privilege Leave of Absence.

2. The allowances of every commissioned military officer in civil employ during subsidiary leave shall be calculated as in the case of general leave taken in India. Provided always that if an officer shall, under the action of the leave rules, have lost his lien on his appointment, he shall, during subsidiary leave, draw allowances under the rules of the military department applicable to his case.

[NOTE.—This rule regulates allowances during leave subsidiary to furlough of any description.]

CHAPTER VI.

(The Rules in this chapter apply to commissioned military officers in civil employ.)

PRIVILEGE LEAVE OF ABSENCE.

Section **21** (*a*).—The amount of privilege leave admissible at one time, is limited to three calendar months.

(*b*). The amount of privilege leave earned by an officer is one-eleventh part of the time during which he has been on duty without interruption. Provided that no privilege leave can be earned by an officer by duty done while three months' such leave are due to him, and that, whenever duty is interrupted, all claim to privilege leave earned theretofore is forfeited.

(*c*). The privilege leave due to an officer, is the privilege leave which he has earned, less the period during which he has been absent on privilege leave.

(*d*). Absence on privilege leave, though not counting as duty, is not an interruption of duty within the meaning of this chapter.

1. To uncovenanted judicial and educational officers, whose duties are not continuous, and who enjoy regular vacations during which they are allowed to be absent from duty, privilege leave is not admissible, except in case of urgent necessity.

2. The local Government may, with the sanction of the Government of India, impose a like restriction in the case of covenanted officers.*

* "I am directed to acknowledge your No. 862A, dated 18th March 1873, and subsequent No. 403, dated 6th May, submitting propositions for modifying the application of privilege leave rules to district and sessions judges.

Privilege Leave of Absence.

3. Time spent on subsidiary leave does not qualify for privilege leave. But if an officer, returning from leave, not before the expiration thereof, be, only for the convenience of the local Government, and not for any fault of his own, prevented from joining an appointment on which he has a lien; or if he be kept out of employ on subsistence allowance; then, duty qualifying for privilege leave begins on the day on which he presents himself to the local Government ready for duty.

4. When an officer is first appointed to the public service, duty qualifying for privilege leave does not begin until he takes charge of the office to which he is appointed.

5. "Examination leave" may, if the examination for which it is granted be successfully passed, count as duty qualifying for privilege leave, unless the officer has already had twelve months' such leave. Examination leave does not interrupt duty within the meaning of this chapter.

6. Suspension from office as a penalty for misconduct, is an interruption of duty within the meaning of this chapter.

7. If an officer remains absent after the end of privilege leave his duty is interrupted within the meaning of this chapter. But the local Government may remit the penalty for special reasons to be communicated in each case to the Government of India.

8. If an officer remains absent after the end of examination leave, or of joining time, the period of absence cannot count as duty qualifying for privilege leave, and, unless the absence is accounted for to the satisfaction of the local Government, it is an interruption of duty within the meaning of this chapter.

"2. In reply, I am directed to state that His Excellency in Council, after full consideration of the correspondence with several local Governments upon this question, has determined that it is not necessary to fix any special restriction upon the grant of privilege leave to district and sessions judges as distinguished from other members of the covenanted civil service. It is true that in most provinces the regular transaction of judicial business is ordinarily suspended for a time during each year. But the practice as to closing courts, and the period for which they are completely shut, appear to vary considerably in different jurisdictions; and the vacation is rarely of a sort which, like privilege leave, sets the presiding officer of a court absolutely free. It is thus difficult to frame any constant rule which might fairly set off the permanent value of vacation against any formal curtailment of privilege leave, for which even a certain vacation at one season of the year hardly compensates.

"3. On the whole, therefore, the Government of India prefer to maintain the existing system, which invests administrations with full power to consider each application for leave on its merits, and which lays upon them the responsibility of dealing with it. As judicial functions differ from executive work, so must the reasons upon which leave can be given or refused differ in each class; but there seems no need for laying down as to either class any uniform rule to limit the responsibility of Government. His Excellency in Council believes that Government may best dispose of these cases upon the general principles of guarding the interests of the public service, and of allotting, so far as may be possible, equal privileges of relaxation from work to all departments of the public service." (*Home Department to North-Western Provinces, No.* 1104, *24th June* 1873.)

Privilege Leave of Absence.

9. With regard to the privilege leave of a commissioned military officer in civil employ, no distinction is made between an officer who has a substantive civil appointment, and an officer who is merely officiating in the civil department. The leave is earned by uninterrupted duty in either the civil or the military department.

Section **22**.—To an officer who has been on duty, without interruption, for eleven calendar months, and who has not, for six calendar months, been absent on privilege leave, the whole or any part of the privilege leave due to him, may be granted.

1. An officer applying for privilege leave must record a declaration that he has no intention of retiring or of taking furlough, special leave, or leave on private affairs or medical certificate, for three months after his return to duty. Though not absolutely debarred, by this declaration, from applying to retire or to take such leave within the three months, he should, if he does so, explain his change of mind.

2. If an officer is, on public grounds, recalled to duty from privilege leave before the whole leave granted to him is ended, privilege leave may be granted to him again, even within six calendar months from the date of his return to duty.

Section **23**.—An officer on privilege leave has a lien on his substantive appointment. He has also a lien on his officiating appointment, so long as it is not resumed by an officer having a superior lien on it. Lien.

Section **24**.—An officer on privilege leave is entitled to a leave allowance equal to the pay or salary which he would earn if he held or officiated in the appointment on which he has a lien. Allowances.

1. If privilege leave is granted to an officer who holds an appointment sanctioned only for a limited time, and for a special purpose, he is not entitled, during privilege leave, to any special allowance attached to the appointment.

2. An officer on privilege leave is entitled to a leave allowance equal to his pay and acting allowance, even though another officer be appointed to act for him. Acting allowance

3. If an officer, who has been temporarily promoted from a lower to a higher officiating appointment, takes privilege leave, on being relieved of the latter, and the local Government declares that, on being so relieved, he has reverted to the lower officiating appointment, his allowances on leave shall be calculated as if he had rejoined it.

4. In the Bombay presidency, an officer on privilege leave may draw the house-rent or tentage attached to his appointment, if he places his house or tent at the disposal of the officer, if any, who officiates for him. The officiating officer cannot, in such

Examination Leave of Absence.—Joining-time.

draw the house-rent or tentage attached to the appointment. But if the officiating officer, for a reason which the local Government considers sufficient, refuses the accommodation placed at his disposal, the allowance is to be drawn by him and not by the absentee.

5. An assistant in the geological survey of India on privilege leave may draw the house-rent, horse allowance, and other local allowances of his office, provided that they are not claimed by an officer officiating for him during his absence.

6. A commissioned military officer in civil employ on privilege leave may draw presidency house rent, provided that the Government is not thereby put to any extra expense.

CHAPTER VII.

EXAMINATION LEAVE OF ABSENCE.

1. A covenanted civil servant, who is a candidate for a reward offered by the Government for the study of any of the vernacular languages, may be allowed leave for one month for the purpose of being examined. Examination leave.

2. If he pass the examination, he may be allowed similar leave for another month.

3. An officer on examination leave has a lien on his appointment (substantive or officiating), and is entitled to leave allowance, as if he were on privilege leave.

4. An officer while absent from his office or from his station to attend a departmental examination is considered to be on duty.

CHAPTER VIII.

JOINING-TIME.

[The rules in this chapter apply to all gazetted officers in civil employ.]

1. Joining-time is the time allowed to an officer to proceed from one station to another when his appointment is changed, or when, being unemployed, he is appointed to any office. An officer is held to be on duty during joining-time, if he is entitled to allowances.

2. Joining-time is allowed as follows, excluding Sundays :— Amount admissible.

for any part of the journey which may be made by railway :— one day for every hundred miles :

for any part of the journey which may be made by steamer :— one day for every hundred miles, or such longer time as the steamer may actually occupy

Joining-time.

for the rest of the journey;—one day for every ten miles: and six days, in addition to the whole thus calculated.

3. The full joining-time is allowed only if it is spent *bona fide* in preparation for, or in making, the journey; and no more than three months may be granted under any circumstances. The Government which orders a transfer, may limit the duration of joining-time.

When leave intervenes.

4. When an officer, after giving over charge of his office at one station, on transfer or reversion to another office, takes privilege or examination leave before joining the office to which he has been transferred, or to which he has reverted; or when an officer, while on privilege or examination leave, is transferred to a station other than that from which he took leave,—he is entitled to joining-time in addition to his privilege or examination leave. The joining-time of an officer transferred during privilege or examination leave, will be counted from his old station, or from the place where he receives the order of transfer, whichever is nearer to his new station.

5. (*a*) Unless, for special recorded reasons, the Government or other authority under whose orders the transfer takes place, permits or requires it to be made in any particular case elsewhere or otherwise, the charge of an office must be made over at its head-quarters, both the relieving and the relieved officers being present.

(*b*) As a general rule, and subject to any special orders to the contrary in particular cases, the head-quarters of an officer on the staff of a Government, as, for instance, a secretary to a Government, the sanitary commissioner with the Government of India, or a clerk in a Government secretariat, are the head-quarters for the time being of the Government to which he is attached.

(*c*) The head-quarters of any other officer are either the station which has been declared to be his head-quarters by the authority which appoints him, or, in the absence of such declaration, the station where the records of his office are kept.

6. If an officer, during transit from one appointment to another, obtains furlough on medical certificate (with or without subsidiary leave prefixed), he may be allowed only the joining-time calculated for the journey from his old station to the furthest place to which he has proceeded on his route to his new station.

Allowances.

7. Except in the case mentioned in rule 8, an officer draws, during joining-time, the following allowances:—

(*a*) as regards pay;—

the pay which he drew in his old appointment, or that which he draws in his new, whichever is less.

(*b*) as regards acting allowance;—

(1) if transferred from an officiating appointment to an appointment, officiating or substantive, with not less salary;—the acting allowance of his old appointment;

(2) if, after being promoted from a lower to a higher officiating appointment without losing his lien on the lower one, he is relieved of the higher, and

Extension and Commutation of Leave.

returns to the lower, officiating appointment, or to another appointment, officiating or substantive, with not less salary;—the acting allowance of the lower officiating appointment:

(3) Provided that no officer can draw acting allowance for any appointment after another officer having a superior lien on it has resumed it.

8. An officer who has no substantive appointment, and is not in the covenanted civil service or the army, is not entitled to any allowance during joining-time; but if such an officer, officiating in an office, is transferred to another office under the same local Government, the local Government may allow him to draw, during his transit, the allowance to which he would be entitled under rule 7.

CHAPTER IX.

EXTENSION AND COMMUTATION OF LEAVE.

Section 25.*—Except as provided in section 18, no kind of leave can be granted in continuation of any other kind; but any leave may be retrospectively changed for any other kind or amount of leave which might at first have been granted: Extension and commutation.

Provided that the grant, or extension of furlough, under this rule (otherwise than on medical certificate), is subject to proviso 3, under section 10 (*a*).

1. Except by the Secretary of State, leave cannot be changed or extended without the permission of the local Government which originally granted it.

2. In the case of a commissioned military officer in civil employ, leave may be retrospectively commuted by the authority which granted it to any other kind of leave which the said authority would have been competent to allow when the original leave was sanctioned.

* In 1871 two officers were allowed to take special leave of absence, under Chapter IV, in continuation of privilege leave under Chapter VI. The concession was made in each case on public grounds only, the officers having undertaken to perform certain important public duties in England. The Secretary of State, however, wrote upon the second case:—

"In permitting C. D. to take privilege leave and special leave together, you have followed the course adopted in A. B.'s case.

* * * * * * *

Grants of leave in direct opposition to the furlough rules cause inconvenience and create embarrassing precedents; and I request that no similar concession may be granted in future."—*Financial Despatch No.* 65, dated *15th February* 1872.]

Payment of Leave Allowances.

3. An officer on furlough or special leave in Europe, who wishes to have his leave extended, must apply to the Secretary of State for India at least three months before the end of his leave.

4. Examination leave may be granted in continuation of privilege leave, and privilege leave may be granted in continuation of examination leave under Chapter VII, Rule 1, but not in continuation of examination leave under Chapter VII, Rule 2. Otherwise, no kind of leave, except furlough on medical certificate, may be granted in continuation of examination leave.

5.* When privilege leave is, on medical certificate, retrospectively changed for furlough out of India, so much of the leave passed before the departure of the vessel in which the officer sails may be treated as subsidiary leave under clause (*a*) of section 18, as might have been granted as subsidiary leave, if the officer had originally obtained furlough and not privilege leave.

CHAPTER X.

PAYMENT OF LEAVE ALLOWANCES.

[This chapter applies to all officers in civil employ.]

Allowances how payable.

Section 26 (*a*).—Leave allowances are payable in India after the end of each month; but an officer on furlough or special leave out of India may, at his option, take payment at the home treasury of the Government of India.

1. An officer embarking on furlough or special leave must take with him a last pay-certificate, whether he intends to draw his allowances in England or not. *(For rules, see Chapter XI.)*

Treasury forms.

2. † A gazetted officer on leave in India may draw his allowances at any treasury in India.

3. † If a gazetted officer signs the bill himself, he must either appear in person at the place of payment, or must furnish a life-certificate by a covenanted civil servant, a magistrate, a notary, a banker, or a minister of religion. If he draws the allowances through an authorised agent, the agent, whether he has or has not a power of attorney, must either furnish a life-certificate as above, or execute a bond to refund over-payments. A life-certificate may be given periodically, a bond being given to cover intermediate payments not supported by the life-certificate.

4.† A ministerial officer on leave in India can draw his leave allowances only at the treasury whence his salary is disbursed, and under the signature of the head of the office to which he is at-

* Applies to a commissioned military officer in civil employ.

† Does not apply to officers in the public works department. There are special departmental rules for these officers.—(*See appendix B*)

Last-pay Certificate

tached; this officer is responsible for any over-charges, and no other security is required.

(*b*). If payment be taken at the home treasury, it is made quarterly, and rupees are converted into sterling at the rate of exchange fixed, for the time being, for financial transactions between the Imperial and the Indian treasuries. Exchange with England.

1. Payment is made from the home treasury, as follows :—

On fixed quarter-days (namely March 25th, June 24th, September 29th and December 24th), a form is supplied on application to the India office containing,

(1) a life-certificate to be filled up in the manner directed on the face of it.

(2) a cheque for the amount due (which is specified) for the officer to fill up, and which may be cashed through any banker.

2. If an officer's contract of service contains a stipulation to the effect that "a pound sterling shall be considered equal to and calculated at any specified rate," his leave allowances are converted into sterling at that rate.

3. If an officer receive an advance of pay in England to enable him to return to duty in India, the advance will be recovered at the rate of exchange fixed for transactions with the Imperial Government at the time the advance was made. The same rule will also apply when an advance is made in England to a person appointed there, proceeding to India to join his appointment.

CHAPTER XI.

LAST-PAY CERTIFICATE.

[This chapter applies to all officers in civil employ.]

1. No officer (unless he has been newly appointed to the service of Government) can begin to draw pay or allowances at any treasury in India, or at the home treasury of the Government of India, without producing a last-pay certificate from the treasury where his pay or allowances were last disbursed, or from the accountant general within whose jurisdiction that treasury is. Last pay certificate.

2. An officer must, if possible, appear personally at the office where his last-pay certificate is completed.

3. The rules and forms prescribed for the issue of last pay-certificates in India, in each of the following cases, are stated beneath.

Case 1.—To an officer proceeding on leave to Europe and embarking at a port in the presidency or province in which he is employed;

Last-pay Certificate.

Case II.—To an officer proceeding on leave to Europe and embarking at a port in another presidency or province;

(*a*) If he be employed at, or have to pass through, the station of the accountant general of his presidency or province;

(*b*) If he be not employed at, and have not to pass through, that station;

Case III.—To an officer proceeding on leave from one place in India to another, whether the two places are, or are not, in the same presidency or province;

Case IV.—To an officer proceeding on duty from one presidency or province to another;

Case V.—To an officer proceeding on duty from one place to another in the same presidency or province.

Case I.

Officer embarking in his own presidency.

The accountant general should give the officer a certificate in form A, appendix A, and, save in the cases below excepted, forward a duplicate certificate, in the same form, to the local Government for transmission to the secretary of state.

Exceptions.—1. If the officer embark at a port in British Burmah, the accountant general should forward the duplicate form direct to the Government of India in the financial department for transmission to the secretary of state.

2. If the officer embark at Calcutta, the accountant general should, in like manner, forward the duplicate form to the financial department, after filling up the blanks in the pilot's certificate at its foot.

Case II (*a*).

Officer embarking in another presidency

The accountant general should pay to the officer* his allowances up to the date of his departure from his (the accountant general's) station, and should give him a certificate in form B, appendix A, leaving the 5th, 7th, and 8th spaces blank, and send a duplicate, after signing the letter on the reverse, to the accountant general, or (if there be no accountant general) to the officer in charge of the treasury at the port at which the absentee intends to embark for Europe. The accountant general or treasury officer at the port of embarkation should follow the instructions in the letter addressed to him, and return the original form to the officer. If he be an accountant general, he should forward the duplicate to the local Government for transmission to the secretary of state, and address a letter in the form E, appendix A, to the accountant general of the officer's presidency; but if he be a treasury officer, he should forward the duplicate to the accountant general of his own presidency who will forward it to the local Government for

* The officer, if he be not employed at the accountant general's station, should bring a last-pay certificate, in a form similar to form M, from the officer in charge of the treasury where his salary was last disbursed.

Last-pay Certificate.

transmission to the secretary of state, and address a letter in the form F, appendix A, to the accountant general of the absentee's presidency.

CASE II (*b*).

The accountant general should send to the officer a certificate in form C, appendix A, leaving the 5th, 7th, and 8th spaces blank, and forward a duplicate to the accountant general or treasury officer at the port at which the officer intends to embark for Europe. Before the officer's departure from his station, the officer in charge of the treasury from which he last drew pay should fill up and attest the certificate at the end of the original form C. The accountant general or treasury officer at the port at which the officer intends to embark should follow the instructions in the letter to his address on the back of form C, and after copying the entries and signature from the certificate at the end of the original form into the duplicate should return the original form to the officer. If he be an accountant general, he should forward the duplicate certificate to the local Government for transmission to the secretary of state, and forward a copy of the certificate at the end of the form to the accountant general of the absentee's presidency, with a letter in the form G, appendix A; but if he be a treasury officer, he should forward the duplicate form E to the accountant general of his own presidency, who will send it to the local Government for tranmission to the secretary of state, and forward a copy of the certificate at the end of the form to the accountant general of the absentee's presidency, with a letter in the form H, appendix A.

But in the case of a covenanted civil servant, or a military officer in civil employ, or an uncovenanted civil servant of the class as specified in section 1 (*b*) of the code, if the officer's appointment have been changed within the period, on his average salary for which the leave allowance is to be calculated, the rate of leave allowance will sometimes depend on the date on which he may make over charge of his office, and the accountant general may not be aware of that date at the time the last-pay certficate is prepared. In such cases the accountant general should send to the officer a document in the form D, appendix A, leaving the 5th, 6th, 8th, and 9th spaces on the face of the form blank, and should forward a duplicate of it to the accountant general or treasury officer at the port at which the officer intends to embark. Before the officer's departure from his station, the officer in charge of the treasury from which he last drew pay should fill up the 6th space on the face of the original form, and fill up and attest the certificate at the end of that form. The accountant general or treasury officer at the port at which the officer intends to embark should follow the instructions in the letter to his address on the back of the form, and having copied in the duplicate form the entry in the 6th space on the face of the original form, and the entries and signature in the certificate at the end, should return the original

Return to duty.

BENGAL SECRETARIAT LIBRARY

form to the absentee. If he be an accountant general, he should forward the duplicate form to the local Government for transmission to the secretary of state, and send a copy of the certificate at the end of the form to the accountant general of the absentee's presidency, with a letter in the form K, appendix A, but if he be a treasury officer, he should forward the duplicate form D to the accountant general of his own presidency, who will send it on to the local Government for transmission to the secretary of state and forward a copy of the certificate at the end of the form D to the accountant general of the absentee's presidency, with a letter in the form L, appendix A.

CASE III.

Proceeding on leave to another place in India.

The officer will obtain a last-pay certificate from the treasury where his pay and allowances were last disbursed to him ; and if he proceeds to another presidency or province, he must get the countersignature of the accountant general who has jurisdiction over the treasury from which he obtained his last-pay certificate.

CASE IV.

Proceeding on duty to another province.

The officer should obtain a certificate in the form M, appendix A. If he be employed at the station of the accountant general of his presidency, the certificate should be given by that officer. If he have to pass through that station on his way to his new presidency, the certificate should be given by the officer in charge of the treasury from which he last drew pay and countersigned by the accountant general. If he be not employed at, and have not to pass through, the accountant general's station, the certificate should be given by the officer in charge of the treasury from which he last drew pay, and a duplicate of it should be forwarded by the treasury officer to the accountant general for countersignature and transmission to the accountant general of the transferred officer's new presidency.

CASE V.

To another place in the same province.

The officer should obtain a last-pay certificate in the form M. appendix A, from the officer in charge of the treasury from which he last drew pay.

CHAPTER XII.

RETURN TO DUTY.

[This chapter applies to all civil officers in civil employ, and to commissioned military officers in civil employ in respect to leave of absence in India granted by the civil authorities.]

Overstay of leave.

Section 27.—An officer who remains absent after the end of his leave is entitled to no allowance for the

Return to duty.

period of such absence, and he ceases to have a lien on any appointment, if his leave was furlough;—immediately; and, if it was special or privilege leave;—after a week.

Permission to return to duty.

1. An officer on furlough or special leave in Europe may not return to India, without obtaining the permission of the secretary of state. He must apply for this permission at least three months before the end of his leave.

2. The grant by the secretary of state to an officer on leave, of permission to return to duty by a particular steamer, is equivalent to an extension of leave, without prejudice to the officer's appointment, until the date the steamer arrives, but does not give any claim to allowances not admissible by rule.

3. A gazetted officer returning to duty must report his return to the local Government. An officer of the Bengal covenanted civil service returning from furlough must also report his return to the Government of India in the home department.

4. An officer may not, without the permission of the authority which granted him leave, return to duty, more than fourteen days before the end of furlough or special leave. This permission may be given with such conditions as the authority granting it may prescribe. An officer returning from furlough or special leave more than fourteen days before its expiry, is entitled to no subsidiary leave, save under the special orders of the Government to which he is subordinate. In such case, subsidiary leave cannot, under any circumstances, be allowed for more than thirty days, and should not be granted for even this period, if less time will suffice for the journey from the place where the officer receives permission to return to duty to the station which he is permitted to join.

5. An officer permitted to return to duty before the end of his leave should have the unused part of his leave formally cancelled by the authority which granted it; but this is not necessary if his return from leave is separately notified in the Gazette.

6. The local Government may exempt an officer from loss of appointment under this section, if it considers that his default was due to circumstances beyond his control.

Change of appointment during furlough.

7. If the appointment of an officer is changed during furlough or special leave out of India, or upon his reporting his return, he must join his new appointment within the subsidiary leave allowed him. Nothing in excess of the allowances admissible for subsidiary leave, can be passed to him until he joins his new office.

8. If the appointment of an officer is changed during furlough or special leave in India, he must join his new appointment within the leave. But the local Government may allow him joining-time, if he have not had sufficient notice of the change.

9. An officer begins to draw pay and acting allowance from the day on which he assumes the office (substantive or officiating) to which he may have been appointed, or on which he may have a lien.

Applications for Leave.

But if his leave or joining time end on a Sunday or authorised holiday, and he take charge before noon on the first working day after such Sunday or holiday, his assumption of office and the re-arrangement of appointments and allowances (if any), consequent thereon, shall be held to have taken place on the day after that on which his leave ended; provided that such re-arrangement (if any) does not involve the transfer of any officer to another station, or the formal appointment of any officer to a new office.

10. If charge of an office is transferred after noon, the transfer does not affect allowances till the next day.

CHAPTER XIII.

APPLICATIONS FOR LEAVE.

Applications for leave.

Section **28**. Every application for leave is to be submitted to the local Government, which will deal with it in such manner as the Governor General in Council may prescribe.

1 (*a*).* When an officer applies for leave, he should quote the section or rule of this code under which he considers himself entitled to the leave.

(*b*). After obtaining a report from the accountant general upon the title of the applicant to the leave applied for, the local Government may grant any leave admissible under the code.

(*c*). A local Government granting leave to an officer of the Bengal, Madras, or Bombay covenanted civil service serving out of his own presidency, should inform the Government of India, Madras, or Bombay, as the case may be.

(*d*). Each local Government should, at the end of each quarter, submit to the Government of India in the home department a statement of officers of the Bengal covenanted civil service absent on furlough or special leave (including subsidiary leave) granted by it. A register prepared from these statements is kept in the home department, from which an extract is published quarterly in the *Gazette of India*.

Medical certificate.

2 (*a*). An application from an officer in India for leave, or extension, or commutation, of leave, on medical certificate, must be accompanied by a certificate in the following form, or as nearly in this form as the circumstances allow:

> I *A B*, surgeon at, or of, . . , do hereby certify that *C D*, of the service, is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and do therefore recommend that he may be permitted to proceed to sea [*or to such place as the surgeon may think proper, expressing it in the certificate.*]

* Applies to all gazetted officers in civil employ.

Applications for Leave.

(*b*). The applicant must (unless the state of his health absolutely prevent it, or, if he be an applicant for furlough in India, unless the Government to which he is subordinate otherwise permit) present himself, with two copies of the statement of his case, before the surgeon general of the Indian medical department at any of the presidency towns, and obtain his certificate as follows :—

> We [*or* I] do hereby certify that, according to the best of our [*or* my] professional judgment, after careful personal examination of the case, we [*or* I] consider the state of health of *C D* to be such as to render leave of absence for a period of absolutely necessary for his recovery.

If the applicant for furlough in India is exempted by a local Government from presenting himself before the surgeon general, Indian medical department, he should be required to produce a certificate signed by at least two, and if possible by three, medical officers.

(*c*). An officer serving in Burmah need not appear at a presidency town, but must obtain a certificate from a board composed of the deputy surgeon general and the two next senior medical officers at Rangun.

(*d*). If the officer is going on leave out of India, he should take with him one copy of his case.

(*e*). If the applicant for an *extension or commutation of leave* on medical certificate be residing out of India, and within twenty miles from London, he must produce a certificate from the medical board attached to the India Office, showing the necessity for the extension or commutation. If he be residing more than twenty miles from London, certificates in the form given in rule 2 *(b)* must be produced from two medical practitioners; and he is liable to be called upon to produce other evidence.

3. Unless specially otherwise ordered, leave must begin within thirty-five days of the date on which it was granted.

4. No-demand certificates are not required from officers going on leave except in the public works department.

5. A commissioned military officer in civil employ, going on leave from the public works department is required to produce a no-demand certificate from the controller of public works accounts.

Priority of claims.

Section **29**. If under the operation of proviso 3, section 10 (*a*) the applications for furlough (including those under section 25) cannot all be complied with, furlough will be granted in the following order :—

First.—To the applicant to whom most furlough is due :

Secondly.—Of two or more applicants to whom the same amount is due ;—to him who has rendered longest continuous active service :

Thirdly.—Of two or more such applicants who have rendered the same continuous active service ;—to the senior.

Schedule A.

SCHEDULE A.

REFERRED TO IN SECTION 1 (*b*).

Officers holding substantive appointments, such as are usually held by covenanted civil servants, or commissioned officers of the army or any of those specified in the following list;—

LAND REVENUE.—Officers of the settlement department above the rank of deputy collector, or extra assistant commissioner.

FOREST.—Assistant conservators and officers of higher rank.

CUSTOMS.—Commissioner, deputy commissioner, and collectors of inland customs, deputy and assistant commissioners of sea customs.

OPIUM.—Sub-deputy opium agents.

POST OFFICE.—Presidency post masters, chief inspectors, and officers of higher rank.

TELEGRAPH.—Assistant superintendents and officers of higher rank.

ADMINISTRATION.—Assistant and under secretaries to Government, superintendent of Government printing.

SURVEY.—Trigonometrical, topographical, and revenue.—Assistant surveyors and officers of higher rank.

Geological.—Officers on the graded list.

MINOR DEPARTMENTS.—Curator of the Indian museum.

FINANCIAL.—Officers of the fifth and higher grades.

JUDICIAL.—Judges of the chief court of the Punjab (not being barristers). Judges and registrars of presidency small cause courts. Civil judges in Oudh. Magistrates of police in presidency towns. Registrars of High Courts.

REGISTRATION.—Inspectors general of registration.

POLICE.—District superintendents and officers of higher rank.

MARINE.—Master attendants, deputy and assistant master attendants and officers of higher rank.

EDUCATION.—Officers on the graded list.

MEDICAL.—Uncovenanted medical officers graded by the notification in the financial department, No. 2295, dated 25th April 1867.

POLITICAL.—Assistant political agents.

PUBLIC WORKS.—Assistant engineers of the 3rd grade and officers of higher rank. Assistant controllers of accounts and officers of higher rank.

Appendix A.—Form A.

APPENDIX A.

FORMS FOR LAST-PAY CERTIFICATE.

[In filling up these forms :—

(1). Except in the case of chaplains, allowances should be stated in rupees a month, and not in pounds a year; and, in entering "the rate of absentee allowance," it should be stated, in the first place, without reference to the maximum or minimum applicable, and, then, if a maximum or minimum applies, or if the allowance is such that a future change in the official rate of exchange may render a maximum or minimum applicable, the words should be added "subject to a maximum (or minimum) of, &c."

(2). In forms A, B, C, and D, the presidency to which an officer belongs should be stated in the title, and the presidency or province in which he is employed should be stated under the first heading.

(3). In the heading "sources from which, &c.," the term "Indian Revenues" should be used in all certificates intended to be sent to England, as the term "Imperial Revenues" has there a different signification. If the allowance is not chargeable finally to the Government of India, the local Administration or fund from which it is recoverable must be expressly stated.

(4). A copy of section 27, rule 3, and section 28, rule 3, should be given to an officer going on leave, and a copy of section 25, rule 3, and section 27, rule 1, to an officer going on leave to Europe. A copy of section 27, rule 4, should also be given to an officer proceeding on furlough or special leave.]

FORM A.

LAST-PAY CERTIFICATE OF *(title and name)* OF THE *(corps or service)* PROCEEDING ON *(nature and period of leave)* TO *(place)*.

1.	Government under which employed ...	1.
2.	Substantive appointment	2.
3.	Acting appointment, if any ...	3.
4.	Period of leave	4.
5.	Date of commencement of leave ...	5.
6.	Monthly rate of absentee allowance and place of payment	6.
7.	Date from which first payment is to be made	7.
8.	Amount, if any, paid in advance ...	8.
9.	Source from which absentee allowance is payable	9.
10.	Period for, and terms on, which leave may be extended or commuted. ...	10.

(Place) the (date)

(SIGNATURE.)
Accountant General.

NOTE.—In the case of officers on other than privilege leave embarking for Europe at Calcutta, the entry in the 5th and 7th spaces should be—"The date of the pilot quitting the vessel as certified below;" and the certificate below should be in the following form :—

"This is to certify that *(title and name)* is a passenger on board the *(name of vessel)* proceeding to *(destination,)* and left by me at sea this day."

(SIGNATURE.)
Pilot.

(Place) the (date)

FORM B.

(Obverse.)

LAST-PAY CERTIFICATE OF (*title and name*) OF THE (*corps or service*) PROCEEDING ON (*nature of leave*) TO EUROPE.

1.	Government under which employed ...	1.
2.	Substantive appointment ...	2.
3.	Acting appointment, if any	3.
4.	Period of leave ...	4.
5.	Date of commencement of leave ...	5.
6.	Monthly rate of absentee allowance and place of payment. ...	6.
7.	Date from which first payment is to be made ...	7.
8.	Amount, if any, paid in advance ...	8.
9.	Source from which absentee allowance is payable .	9.
10.	Period for, and terms on, which leave may be extended or commuted ...	10.

(SIGNATURE.)

(*Place*) *the* (*date*). *Accountant General.*

Certified that the above-named officer appeared before me on this date, that he stated his intention of embarking for Europe on the (*name of vessel*) which leaves this port on the (*date*), that he drew an (or no) advance of salary, and that the 5th, 7th, and 8th spaces in the above certificate have been filled up by me accordingly.

(SIGNATURE.)

(*Place*) *the* (*date*). *Accountant General or Collector*

(Reverse.)

FROM

THE ACCOUNTANT-GENERAL,
(*Place*),

TO

THE ACCOUNTANT GENERAL (OR COLLECTOR) OF
(*Name of port of embarkation*).
Dated (*place*) *the* (*date*).

SIR,

I have the honor to request that when (*title and name of absentee*) produces this letter, you will pay him at the rate of———a month from the (*date of departure from Accountant-General's station*) to the day not later than the (*date of expiry of subsidiary or preparatory leave*) preceding his departure from (*name of port of embarkation*), that you will grant him an advance of———if required, and will fill up the certificates on the reverse accordingly.

The date to be shown in the 5th and 7th spaces of the last-pay certificate is that of (*title and name*)'s departure from (*name of port of embarkation*).

I have, &c.,

(*Place*) *the* (*date*). (SIGNATURE.)

Accountant General

(*place*)

FORM C.

(Obverse.)

LAST-PAY CERTIFICATE, &c. (*as in form B.*)

(Reverse.)

FROM

THE ACCOUNTANT GENERAL,

(*Name of absentee's presidency*),

TO

THE ACCOUNTANT GENERAL (OR COLLECTOR) OF

(*Name of port of embarkation*).

Dated (place) the (date).

SIR,

I HAVE the honor to request that when (*title and name of absentee*) produces this letter, you will pay him at the rate of———a month, less the deductions shown in the margin, from the date up to which he last drew salary from the———treasury to the date on which he may make over charge of the office of———as shown below, and at the rate of——— a month for the period not exceeding (*maximum of subsidiary or preparatory leave*) from the date on which he may make over charge of that office to the day preceding his departure from (*name of port of embarkation*), that you will grant him an advance of ——— if required, and fill up accordingly the certificates on the reverse. The date to be shown in the 5th and 7th spaces of the last pay certificate is that of (*title and name of absentee's*) departure from (*name of port of embarkation*).

Rs. A. P.

I have, &c.,

(SIGNATURE.)

Accountant General.

(*Title and name of absentee*) received his salary from the ——— treasury at the rate of ———, less the deductions shown in the margin up to the ———, and to no later date. He made over charge of the office of ——— on the fore (*or* after) noon of the———

(*Place*) *the* (*date*).

Collector of——

FORM D.

(Obverse.)

LAST-PAY CERTIFICATE OF (*title and name*) OF THE (*Corps or Service*) PROCEEDING ON (*nature of leave*) TO EUROPE.

1. Government under which employed ... ... 1.
2. Substantive appointment ... ... 2.
3. Acting appointment, if any ... ... 3.
4. Period of leave ... ... 4.
5. Date of commencement of leave ... ... 5.
6. Monthly rate of absentee allowance ... ... 6.
7. Place of payment ... ... 7.
8. Date from which first payment is to be made ... 8.
9. Amount, if any, paid in advance ... ... 9.
10. Source from which absentee allowance is payable ... 10.
11. Period for, and terms on, which leave may be extended or commuted ... ... 11.

NOTE.—(*Title and name*)'s pay and acting allowance for the three years preceding (or for the period from the ———— to) this date, exclusive of periods of absence on other than privilege leave, were—

		Rs.	A.	P.
Rs.	a month from the (*date*) to the (*date*)	0	0	0
Rs.	a month from the (*date*) to the (*date*)	0	0	0
	Total ...	0	0	0

The rate of absentee allowance admissible to him is half his monthly average pay and acting allowance for the three years preceding (or for the period from the ———— to) the date on which he may make over charge of his office, exclusive of periods of absence on other than privilege leave, provided that the allowance does not exceed————* or fall short of————

* These figures to be entered in accordance with the rates of the service to which the officer belongs.

(*Place*) *the* (*date*). (SIGNATURE.)

Accountant General.

Certified that the above-named officer appeared before me on this date; that he stated his intention of embarking for Europe on the (*name of vessel*) which leaves this port on the (*date*); that he drew an (or no) advance of salary; and that the 5th, 8th, and 9th spaces in the above certificate have been filled up by me accordingly.

(*Place*) *the* (*date*). (SIGNATURE.)

Accountant General, or Collector.

(Reverse.)

FROM

THE ACCOUNTANT GENERAL,

(*Name of absentee's presidency*),

TO

THE ACCOUNTANT GENERAL (OR COLLECTOR) OF

(*Name of port of embarkation*).

Dated (*place*) *the* (*date*).

SIR,

I HAVE the honor to request that when (*title and name of absentee*) produces this letter, you will pay him at the rate of ——— a month, less the deduction shown in the margin, from the date up to which he last drew salary from the ——— treasury to the date on which he may make over charge of the office of ——— as shown below, and at the rate of half his monthly average pay and acting allowance as shown below for the period not exceeding (*maximum of subsidiary or preparatory leave*) from the date on which he may make over charge of that office to the day preceding his departure from (*name of port of embarkation*); that you will grant him an advance of ———, if required, and fill up accordingly the certificates on the reverse. The date to be shown in the 5th and 7th spaces of the last-pay certificate is that of (*title and name of absentee*)'s departure from (*name of port of embarkation*).

Rs. A. P.

———

———

I have, &c.,

(SIGNATURE.)

(*Title and name of absentee*) received his salary from the ——— treasury, at the rate of ———, less the deduction shown in the margin up to the ——— and to no later date. He made over charge of the office of ——— on the fore (*or* after) noon of the ———. His average monthly pay and acting allowance for the three years preceding (or for the period from the ——— to) the date on which he made over charge of his office is Rs.———, and the 6th space in the certificate on the face of this form has been filled up accordingly.

Collector, or

(*Place*) *the* (*date*). *Accountant General.*

FORMS E, F, G, H, K, L.

These forms are not reprinted; they will be found in the *Gazette of India*, as follows:

Form E is the same as Form C		Printed with Resolution No. 409, dated 7th May 1869, in *Gazette of India*, 15th May 1869, pages 959 and 960.
" F " " D		
" G " " F		
" H " " G		
" K " " B		Printed with Resolution No. 3904, dated 11th October 1869, in *Gazette of India*, 23rd October 1869, page 406.
" L " " C		

FORM M.

Last-pay certificate of (*title and name*) of the (*corps and service*) proceeding to (*place*) to join the appointment of——— *or* to officiate as ———*or* on duty.

——————— has drawn pay as ———, at the rate of——— a month, and acting allowance as ————, at the rate of——— a month, less the deductions shown below, up to the (*date*). He made over charge of the office of ——— on the fore (*or* after) noon of the——— ———.

Deductions.			Rs.	A.	P
———	...	...	0	0	0
———	...	...	0	0	0
———	...	...	0	0	0
			0	0	0

APPENDIX B.

Rules on the subject of the mode of payment of leave allowances to members of the public works department during absence on leave in India :—

I The allowances of an officer or subordinate of the public works department who is absent on leave in India, and who is entitled to draw allowances during such absence, should be included monthly, as they become due, in the salary bill of the division or office to which he is attached, and submitted for audit to the controller. The allowances, if admissible, should be audited by the latter officer provisionally, subject to receiving an assurance that the officer is alive.

II.—If the absentee is attached to a division, the executive engineer of that division, on receipt of the audited bill, should request the executive engineer at the station at or nearest which the absentee resides during his leave, to pay the allowances to the absentee on his appearing in person to receive payment, or on his furnishing a life-certificate by a covenanted civil servant, a magistrate, a notary, a banker, a military officer, a chaplain, an officer of the engineer establishment of the public works department, or any other officer of the department holding an analogous position. If the amount exceeds Rs. 500, and has to be paid in another province or branch of the department, the requisition for payment should be sanctioned by the superintending engineer of the circle, in accordance with the orders contained in public works department circular No. 63, dated 21st December 1872.

III.—The executive engineer who complies with the requisition should send a transfer advice of the payment to the controller of his own province, for transmission to the controller of the province to which the absentee belongs, stating in the advice that the absentee appeared in person for payment, or attaching a life-certificate. If the absentee and the disbursing officer belong to the same province, the latter should send advice of payment to the executive engineer's division, and forward the life-certificate, or a statement that the absentee appeared in person for payment to the controller.

IV.—If the absentee is attached to an office, the head of the office should request the executive engineer, by whom the bills of the office are paid, to arrange for the payment of the absentee's leave allowances, and the procedure indicated in the preceding rules will then be gone through.—*Circular of the Public Works Department, Government of India, No.* 58, *dated* 16*th October* 1873.

Supplements A & B. Lieutenant-Governors, Members of Council, Judges of High Courts and certain Legal and Judicial Officers.

SUPPLEMENT A.

LIEUTENANT-GOVERNORS AND MEMBERS OF COUNCIL.

1. Leave on medical certificate for not more than six months may be granted to a Lieutenant-Governor. A Lieutenant-Governor is not entitled to any other leave.

2. The leave admissible to an ordinary member of the executive council of the Governor General, or of the Governor of Madras or Bombay, is regulated by Act of Parliament, Section 26 of 24 & 25 Vic., cap. 67.

Section 26.—It shall be lawful for the Governor General in Council, or Governor in Council of either of the presidencies, as the case may be, to grant to an ordinary member of council leave of absence, under medical certificate, for a period not exceeding six months, and such member, during his absence, shall retain his office, and shall, on his return and resumption of his duties, receive half his salary for the period of such absence; but, if his absence shall exceed six months, his office shall be vacated.

SUPPLEMENT B.

JUDGES OF HIGH COURTS AND CERTAIN LEGAL AND JUDICIAL OFFICERS.

Regulations by the Secretary of State in Council of India under the provisions of 24 *&* 25 *Victoria, cap.* 104, *section* 6, *respecting the furloughs* * * * *of the chief justices and puisne judges of the High Courts of Judicature, for the Bengal Division of the Presidency of Fort William, Madras, Bombay, and the North-Western Provinces; and regulations by the Secretary of State in Council respecting the furloughs and leaves of absence of certain other legal and judicial officers.*

* * * * * *

Definitions.

I.—In the following rules, "actual service" includes the period during which a judge is carrying on his duties in a High Court, also periods spent on privilege and subsidiary leave, and periods of vacation during which the judge is not on furlough or extraordinary leave.

"Extraordinary leave" means any leave granted otherwise than under these rules.

II.—One year's furlough shall be placed to the credit of each judge, after the completion of every four years of actual service.

Supplement B.—Judges of High Courts and certain Legal and Judicial Officers.

III.—Except under Rules VI and VII, no furlough shall be granted until at credit under Rule II.

Provided that any judge who may have been already in the service of the Government at the time of taking office in the High Court, and who was, at that time, entitled, under the rules applicable to the branch of the service to which he belonged, to furlough, without medical certificate, may be granted furlough for a term not exceeding that to which he was so entitled upon the condition that such furlough shall not be taken until the completion of two years' actual service in the High Court, and shall not exceed one year.

IV.—Except under Rule VII, furlough shall not be repeated until after the completion of three years' actual service from the date of the last return from furlough or extraordinary leave.

N. B.—The words "furlough or extraordinary leave" in the above rule mean furlough under these rules, or extraordinary leave granted to an officer since he has been a chief justice or judge of a High Court.

V.—The maximum term of furlough to be taken at any one time shall be fifteen months.

VI.—Under medical certificate, furlough may be granted before it is at credit under Rule II.

VII.—On urgent private affairs, furlough may be granted before it is at credit under Rule II, and although three years of actual service have not been completed since the last return from furlough or extraordinary leave.

Provided that furlough under this section shall not exceed six months, and shall be granted only once during the whole period of a judge's service in the High Court.

VIII.—The aggregate amount of all furlough which can be granted to a judge during the whole period of his service in the High Court is two years and a half.

IX.—Furlough taken in India shall be reckoned from the date of the judge's quitting his office to the date of his return thereto. Furlough taken out of India shall be reckoned from the date of embarkation to the date of return.

In the event of the furlough being taken partly in India, and partly out of India, the commencement and termination of the furlough shall be respectively determined by the above rules, according as the furlough begins or ends in or out of India.

X.—For the interval elapsing between the date of quitting his office and the commencement of furlough out of India, and

Supplement B.—Judges of High Courts and certain Legal and Judicial Officers.

between the termination of furlough out of India and resuming his office, a judge may be allowed subsidiary leave not ordinarily exceeding thirty days, which in special cases may be extended.

XI.—A judge, when on furlough or subsidiary leave, shall receive allowances at the rate of Rs. 833-5-4 per mensem in the case of leave taken in India, or £1,000 per annum in the case of leave taken out of India.

XII.—Except under medical certificate, the number of furloughs to be granted at any one time, and the grant of furloughs to individual judges shall be subject to, and limited by the exigencies of, the service, which exigencies shall be determined exclusively by the authority granting the furlough.

XIII.—If, owing to the exigencies of the service, it may be necessary to place any limit on the number of judges who may be absent on furlough at the same time, applications no supported by medical certificate will be granted in the following order:

The judge to whose credit the greatest amount of furlough remains under Rule II, shall have the preference.

If two or more applicants are on an equality in this respect the preference shall be given to the applicant whose actual service in a High Court is longest, reckoning, in the case of a judge who has not taken furlough or extraordinary leave, from the date of his commencement of service in the High Court, and, in the case of a judge who has taken furlough or extraordinary leave, from the date of his last return from such furlough or leave.

If two or more applicants are equal in both respects, the preference shall be given to the senior in the Court.

Privilege Leave.

XIV.—Subject to the exigencies of the service, a judge who has completed eleven months' continuous duty, inclusive of vacations, may, if the Government be satisfied that there is an urgent necessity, but not otherwise, be granted privilege leave for one month without deduction from his salary or acting allowances.

XV.—In the same manner and under the same conditions an additional month of privilege leave shall be held to accrue to a judge after each further period of eleven months' continuous duty.

Supplement B.—Judges of High Courts and certain Legal and Judicial Officers.

XVI.—Privilege leave shall not be taken in instalments; but any balance of privilege leave that may not have been taken shall be added to the next privilege leave which may accrue.

Provided that the whole privilege leave taken at any one time shall not exceed three months, and that any accumulation of privilege leave beyond that period shall be forfeited.

NOTE.—Section 22, Rule 1 of the code shall not be held to apply to a chief justice or judge of a High Court, even though, under Rule XXIII, he may elect to abide by former rules. Whatever rules such an officer may elect, privilege leave shall not be granted to him except on urgent necessity being shown.

General.

XVII.—Furlough and privilege leave shall not be taken, as such, in continuation of each other; but if a judge absent on one of these classes of leave be allowed to change it for another, the whole period of his absence shall be held to be under the class of leave for which it was changed.

XVIII.—Applications for leave shall in all cases be submitted in such manner as the Government may, from time to time, prescribe.

XIX.—Leave allowances shall be payable monthly if payment is taken in India, and quarterly if payment is taken in England.

XX.—No substantive appointment shall be vacated, merely by reason of leave being granted under these rules.

XXI.—If a judge shall overstay any leave, he shall forfeit all salary during the time of his remaining so absent, and if he shall so continue absent for more than one week, his office shall be liable to become vacant.

XXII.—No leave, except privilege leave and leave subsidiary to furlough, shall count as service for pension.

XXIII.—Each judge who stood appointed to a High Court on the 7th August 1869, and has taken no leave since then, shall, on the next occasion of his taking leave, be given the option of accepting these rules or abiding by those in force before that date for judges of the High Courts of Judicature. Any judge who has taken leave since the 7th August 1869, must abide by the rules he elected when taking that leave.

N. B.—Under the above rule a covenanted civil servant, who stood appointed as judge of a High Court on the 7th August 1869, may take leave on medical certificate under the rules which were in force before the 1st July 1868, for the grant of such leave to covenanted civil servants generally.

Supplement B.—Judges of High Courts and certain Legal and Judicial Officers.

XXIV.—If a judge, who is a covenanted civil servant, shall be permitted to resign his office and remain in the service, all leave which he may have taken as a judge of the High Court shall be reckoned as if it had been taken under the rules for the leave of absence of covenanted civil servants.

XXV.—The above rules regarding furlough and leave of absence (I to XXIV) are, with the modifications A and B below stated, applicable also to the following officers:—

Judges of the Chief Court of the Punjáb who are barristers of England or Ireland or members of the faculty of advocates of the court of session of Scotland.

Recorders in Burmah.

First judges of small cause courts at Presidency Towns.

Secretary to the Council of the Governor General for making laws and regulations.

Modifications indicated above.

A.—The allowances of these officers while on furlough or subsidiary leave shall not exceed half their salaries, and shall be limited also to the rate prescribed in Rule XI.

B.—The privilege leave of the secretary to the council of the Governor General for making laws and regulations, shall be regulated by the civil leave code.

Supplements C & D.—Law Officers.—Bishops.

SUPPLEMENT C.

LAW OFFICERS.

Sick leave and short leave on private affairs (now called privilege leave) may be granted to law officers in accordance with the rules of the 8th June 1855 for the grant of leave of absence to covenanted civil servants. Provided that no additional expense be caused in consequence of the leave. Law officers.

SUPPLEMENT D.

[NOTE.—These rules have not yet received the approval of the secretary of state for India, and are not therefore yet in force.]

BISHOPS.

(These rules do not apply to the present bishop of Calcutta.)

The following rules regulate the grant of leave to bishops.

2. A bishop may be allowed leave of absence either on medical certificate or on furlough.

3. The amount of leave of absence on medical certificate admissible to a bishop is limited to two years.

4. Subject to the limitation in rule 3, leave of absence may be granted to a bishop upon medical certificate for a period not exceeding one year. Leave so granted may be extended upon medical certificate to any period not exceeding eighteen calendar months.

5. The amount of furlough admissible to a bishop at one time is limited to six calendar months.

6. The amount of furlough earned by a bishop is one-eleventh of the time during which he has been on duty without interruption, provided that no additional furlough can be earned by duty done while six months' furlough is due, and that, when duty is interrupted, all furlough earned theretofore is cancelled.

The furlough due to a bishop is the furlough which he has earned less the period during which he has been absent on furlough.

Absence on furlough, though not counting as duty, is not an interruption of duty within the meaning of this section.

Supplement E.—Chaplains.

7. To a bishop who has been on duty without interruption for thirty-three calendar months and who has not for twelve calendar months been absent on furlough, the whole or any part of the furlough due to him may be granted.

8. An archdeacon or a chaplain appointed to hold charge of a diocese during the absence of the bishop is entitled to an allowance of Rs. 500 a month in addition to the pay of his substantive office.

9. A bishop while absent upon furlough or upon leave on medical certificate is entitled to full pay less Rs. 500 a month, but not to any other allowances.

10. An archdeacon or a chaplain appointed to hold charge of a diocese during the absence of the bishop upon leave on medical certificate is entitled to the travelling and other similar allowances admissible to the bishop.

11. The allowances of the bishop of Madras or Bombay when performing the functions of the bishop of Calcutta during his absence on leave, are regulated by 5 & 6 Vic., cap. 119. In such case the bishop of Madras or Bombay is entitled to an allowance at the rate of Rs. 833⅓ a month in addition to his salary as bishop of Madras or Bombay, and the bishop of Calcutta will receive during such absence the salary of his office less Rs. 833⅓ a month.

12. Leave under these rules may be granted to the Metropolitan, by the Governor General in Council, and to the bishops of Madras and Bombay, by the Governments of those presidencies, on the recommendation of the Metropolitan.

SUPPLEMENT E.

CHAPLAINS.

PRELIMINARY.

Section 1.—The following rules regulate the grant of leave to chaplains. Chaplains.

Supplement E.—Chaplains.

Section 2.—In these rules—

(*a*) "Active service" includes besides time spent on duty— Active service.

(1). Privilege leave of absence.

(2). Subsidiary leave of absence.

(3). Time passed in India out of employ, but not on leave.

(*b*) "Extraordinary leave" means leave of absence granted otherwise than under these rules. Extraordinary leave.

Example.—Leave in extension of the three years admissible under section 5 (*b*).

(*c*) "Continuous service" and "continuous active service" mean the service and active service of a chaplain since his last return from furlough or extraordinary leave lasting more than three months; or, if he have not had such leave, since the beginning of his active service. Continuous.

No leave can be included in continuous service except privilege leave and special leave.

FURLOUGH.

Section 3.—The amount of furlough admissible to a chaplain is limited to six years. All the rules in this supplement are subject to this limitation. Aggregate admissible.

Furlough and leave with allowances on medical certificate under former rules, are counted as furlough under this rule; but leave of absence in India taken before the 25th August 1854 is not.

Section 4 (*a*).—The amount of furlough "earned" by a chaplain is one-fourth of his active service, and three months in addition thereto. Amount due.

(*b*).—The amount of furlough "due" to a chaplain, is the amount which he has earned, diminished by—

(1) the amount of furlough which he has enjoyed under these or any former rules.

(2) the excess over one year in the amount of leave with allowances on medical certificate which he has enjoyed under former rules.

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Supplement E.—Chaplains.

Section 5 (*a*).—To a chaplain who has rendered three years' continuous service, furlough for not more than two years may be granted as follows:— Amount admissible.

First, on medical certificate,—unconditionally;

1. Section 28 of the code, rule 2, applies generally to chaplains also.

Secondly, without medical certificate,—subject to these provisos—

(1) that the furlough be due to him;

(2) that he have rendered seven years' active service;

(3) that the whole number of chaplains absent on furlough and special leave do not exceed the limit appointed by the Government of India.

1. Except on medical certificate, or on very urgent private affairs, furlough or special leave may not be granted to Church of England chaplains employed in the diocese of Calcutta, if fifteen per cent. of the whole number of such chaplains are already absent on furlough or special leave. The bishop of Calcutta will report to the Government of India when the limit is reached.

(*b*).—Furlough taken under this section may, on medical certificate, be extended to not more than three years.

Section 6 (*a*).—To a chaplain who has not rendered three years' continuous service, furlough for not more than one year may be granted on medical certificate.

(*b*).—Furlough granted under this section for less than one year may, on medical certificate, be extended to not more than one year.

Section 7.—A chaplain on furlough is entitled to allowances as follows:— Allowances.

	On ordinary furlough.	On other furlough.
Archdeacon, and the senior chaplain of the Church of Scotland	£600 a year	£480 a year.
Senior chaplains ...	£500 "	£384 "
Junior chaplains ...	£350 "	£300 "

Explanation.—Ordinary furlough includes—

(1) the first two years of each separate period of furlough under section 5;

Supplement E.—Chaplains.

(2) so much of furlough under section 6 as may be due, provided that the chaplain have rendered six months' continuous active service.

1. A chaplain on furlough does not forfeit his past leave allowance by resigning the service without returning to India.

SPECIAL LEAVE ON ABSENCE.

Section 8.—Special leave on urgent private affairs may be granted at any time, for not more than six months: Amount admissible.

Provided that a chaplain, who has had special leave, must render six years' active service before he can again have such leave.

Section 9 (*a*).—For the first period of a chaplain's special leave, he is entitled to the leave allowance admissible during ordinary furlough. Allowances.

(*b*). In subsequent periods he is entitled to no leave allowance.

SUBSIDIARY LEAVE OF ABSENCE.

Section 10 (*a*).—Furlough and special leave, out of India, begin on, and include, the date of the departure of the vessel on which the chaplain sails; and to a chaplain taking such leave, subsidiary leave, not ordinarily exceeding thirty days, may be granted from the day on which he gives up duty to the day before that on which his furlough or special leave begins. Amount admissible.

(*b*).—Furlough and special leave, out of India, end on, and include, the date of the arrival of the vessel in which the chaplain is; and to a chaplain returning from such leave, subsidiary leave not ordinarily exceeding thirty days, may be granted from the day after that on which the vessel arrives, to the day before that on which he assumes the duty to which he may be appointed.

1. Subsidiary leave for more than thirty days may be granted in cases of necessity; but every such grant and the reason for it are to be reported to the Government of India.

2. A chaplain may leave India, or return to India, by any port he likes; but the dates by which the beginning and end of furlough and special leave are determined, are the date of the vessel's departure from the port where he first meets it, and arrival

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at the port where he quits it. For instance: a chaplain sailing from Calcutta in a vessel which touches at Madras, counts by the date of departure from Calcutta, and not from Madras.

3. The date of the departure of a vessel from Calcutta is held to be the date on which the pilot leaves it at sea.

Explanation.—A chaplain may take furlough or special leave partly in, and partly out of, India. But subsidiary leave is not admissible under clause (*a*) of this section unless the furlough or special leave begins as furlough or special leave out of India; nor under clause (*b*), unless it ends as furlough or special leave out of India.

Section **11.**—A chaplain on subsidiary leave is entitled to the same allowances as during the leave to which it is subsidiary. Allowances.

1. A chaplain may draw allowances as if he were on privilege leave, for any part of his subsidiary leave under clause (*a*) of Section 10, for which, if he were not going on furlough or on special leave, privilege leave would be admissible to him.

PRIVILEGE LEAVE OF ABSENCE.

Section **12.**—Privilege leave may be granted as follows:— Amount admissible.

After five months' uninterrupted duty,—for not more than one month.

After ten months' uninterrupted duty,—for not more than two months.

After fifteen months' uninterrupted duty,—for not more than three months.

1. In applying for privilege leave, a chaplain must record a declaration that he has no intention of retiring or of taking furlough, special leave, or leave on medical certificate, within three months of his return to duty. Though not absolutely debarred by this declaration from applying to retire or to take such leave within the period of three months, he should, if he does so, explain his change of mind.

2. A chaplain may not take privilege leave in instalments.

Section **13.**—A chaplain on privilege leave is entitled to the same pay and house-rent as if he were on duty. Allowances.

1. A chaplain on privilege leave is not entitled to "local allowances," such as conveyance allowance, jail allowance, or the

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special allowance to the senior chaplain of the Church of Scotland. Such allowances are drawn in full by the substitute.

2. The chaplain's substitute may draw the house-rent, although it is also drawn by the absentee.

MISCELLANEOUS.

Section **14**.—The rules for—

(1) Extension and commutation of leave; and Extension, &c

(2) Payment of leave allowances;

are those contained in sections 25 and 26 of the code, and the rulings subjoined. But to a chaplain going on furlough to England, an advance of the first quarter's allowances may be made, and the advance shall not be recoverable in the event of his death.

1. A chaplain on leave in any of the British colonies may draw his leave allowances there through the control pay-master in the same manner as a military officer. But the requisite authority to pay must first be given by the Government of India.

Section **15**.—Applications for leave are to be dealt with as the Governor General in Council may from time to time prescribe; and priority of claim is determined in accordance with section 29 of the code.

1. The following rules have been prescribed by the home department with reference to applications for leave from chaplains on the Bengal ecclesiastical establishment, and from chaplains on other establishments serving in the diocese of Calcutta:—

I.—Subject to the exigencies of the public service, local Governments and Chief Commissioners, in the Bengal presidency, are empowered, with the concurrence of the bishop of Calcutta, to grant any furlough or special leave authorised by the rules to chaplains serving within their respective jurisdictions. But the Government of India alone grants leave to chaplains of the Church of Scotland serving in the Bengal presidency.

II.—If a chaplain applying for furlough or special leave belong to the Madras or Bombay ecclesiastical establishment, the local Government or administration under which he is serving will, if the furlough or leave be granted, inform the Government of Madras or Bombay as the case may be.

III.—The bishop of Calcutta is empowered to grant privilege leave to chaplains under section 12, subject to the exigencies of the State, of which the bishop shall be the judge. But the grant, cancelment, or extension of such leave should be reported to the local Government or administration concerned.

IV.—All application for leave or furlough should be accompanied by a certificate from the local accountant general, showing

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that the applicant is entitled to the leave asked for, and should, as a general rule, be forwarded, in the first instance, through the proper channel, to the bishop of Calcutta, who will transmit applications for furlough or special leave, with His Lordship's remarks, to the local Government or administration concerned, and will himself dispose of applications for privilege leave. But in cases of urgency, leave on medical certificate may be granted by the local Government or Chief Commissioner in anticipation of the concurrence of the bishop, who should, however, be informed without delay.

V.—Except under orders of the secretary of state, the term of furlough or special leave cannot be altered without the permission of the Government or administration by which it may have been granted.

VI.—Every chaplain who obtains leave or furlough shall supply himself with a last-pay certificate, and with a statement showing the pay which he is entitled to draw while absent. It shall be the duty of the local accountant general to furnish these documents, and no leave allowances will be payable without their production.

VII.—A quarterly statement of chaplains absent on furlough or special leave, with the dates of the grant and expiry of such furlough or leave brought up to the 31st March, 30th June, 30th September, and 31st December of each year, shall be punctually furnished by local Governments and administrations to the Government of India in the home department.

VIII.—From these quarterly returns, a register will be compiled and kept at the office of the secretary to the Government of India in the home department, of all grants to chaplains on leave or furlough, of all extensions of leave or furlough, and of all returns to duty from absence. This register will be published quarterly in the *Gazette of India*.

IX.—Every chaplain returning to duty shall report his return to the bishop, and to the local Government and administration by which his leave or furlough may have been granted.

X.—If any local Government or administration shall see fit to refuse a furlough to any chaplain on the ground of the exigencies of the public service, it shall report such refusal for the confirmation of the Government of India.

SUPPLEMENT F.

UNCOVENANTED OFFICERS GENERALLY.

[Such of the rules under the sections of the code as are not expressly restricted to covenanted civil servants, or are not explanatory of points in which the provisions of the code differ from those in this supplement, apply also to uncovenanted officers generally.]

PRELIMINARY.

Application of the rules

Section 1 (*a*).—Leave of absence from duty may be granted under the following rules to officers who have

Supplement F.—Uncovenanted Officers generally.

substantive appointments on permanent establishments under the Government, and who are not entitled to leave under any of the other rules in this code or its supplements.

(*b*).—These rules apply fully only to those whose pay is not less than one hundred rupees a month. But leave may be granted under them to an officer whose pay is less than one hundred rupees a month, so far as it can be done without imposing any cost upon the State (*see Acting Allowance Code, Section* 22). No leave in excess of the leave admissible under these rules may be granted to such an officer, with allowances, or counting as service for pension.

Exception.—A peon while sick in hospital, or receiving medical aid as an out-door patient of the hospital of the station at which he serves, may be allowed half pay for a period not exceeding six months, without reference to the allowance paid to his substitute. A peon belonging to the inland customs department, and a police constable in the Central Provinces, sick in hospital, is entitled to full pay for one month. Provided that this indulgence may not be repeated for a year, save with the special sanction of the local Government, which should be given only when the sufferer has been posted in a notoriously unhealthy district.

1. Officers and men of the army, and officers in the subordinate medical department, are under military rules, and these rules do not apply to them. The leave of members of the pilot service in Bengal is also governed by special rules.

2. An officer appointed as probationer for a certain period before formal appointment, is entitled to the same leave as if he held a substantive appointment.

3. An officer holding a temporary or officiating appointment only, is not entitled to leave of any kind; but a limited amount of leave may be allowed to such an officer under the conditions hereinafter stated.

4. Service in a capacity to which the leave rules do not apply does not qualify for leave under them, in the event of the officer afterwards coming under them. Service under a local fund of the kind mentioned in civil pension code, Section 28, may qualify for leave under the rules, but the allowances given during such leave must be disbursed from the local fund, and from general revenues in the proportion in which the salary has been paid from these sources during the period qualifying for the leave. Provided that, if less than one-fourth of the said allowances would under this rule be payable from any source, the whole of the allowances shall be charged to the other source.

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Section 2.—In these rules, "pay" means substantive monthly pay; "salary" means the sum of monthly pay and acting allowance. Pay and salary.

1. Personal allowance is to be taken as part of an officer's substantive pay.

"Average salary" means the average salary for a month calculated for so much of the three years immediately preceding the day on which the officer gives up office, as he has passed on duty, or on privilege leave. But, whenever leave is taken for not more than one month, and, also, whenever the officer's pay is less than one hundred rupees, the pay of the officer's appointment at the time he gives up office is to be taken in lieu of his "average salary." Average salary

"Half average salary" is always subject to a maximum of Rs. 500 a month if paid in India, and £150 a quarter if paid at the home treasury of the Government of India.

"One quarter average salary" is always subject to a maximum of Rs. 400 a month if paid in India, and £120 a quarter if paid at the home treasury.

LEAVE ON MEDICAL CERTIFICATE.

Section 3.—Leave on medical certificate may be granted whenever sufficient cause is shown, for three years in all, but not for more than two years at one time; and no officer can have leave on medical certificate out of India more than twice. Amount.

1. An officer who has a temporary or officiating appointment only may be allowed leave under this section for not more than three months, if the local Government considers no substitute to be necessary, or can provide for his duties without additional expense.

Section 4.—An officer on leave under Section 3 is entitled to half of his average salary for the first fifteen months of each period of absence, but not for more than thirty months in all.

For the rest of his leave under Section 3 he is entitled to a quarter of his average salary. Allowances.

LEAVE ON PRIVATE AFFAIRS.

Section 5.—Leave on private affairs for six months at a time may be granted to an officer who has not had Amount.

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furlough. The first leave under this section may be taken after six years' service, and the leave may be repeated after intervals of six years.

1. Leave on private affairs does not accumulate, nor can it be taken in instalments.

Section 6.—An officer on leave under Section 5 is entitled to half of his average salary. Allowances.

1. An officer does not forfeit the allowance to which he is entitled under this section, by resigning the service at the end of the leave.

FURLOUGH.

Section 7.—Furlough may be granted, as follows, to an officer who has not had leave on private affairs:— Amount.

After ten years' service;—one year: after eighteen years' service;—another year: or in one period of two years, after eighteen years' service.

1. Leave on medical certificate counts as service for furlough.

2. Leave on private affairs under the rules in force before the 8th June 1863, does not prevent the grant of furlough under this section.

Section 8.—An officer on furlough is entitled to half of his average salary. Allowances.

LEAVE WITHOUT ALLOWANCES.

Section 9.—Leave without allowances may, in cases of necessity, be granted for such time as may be necessary. Time spent on leave under this section does not count as service for other leave.

1. There is no limit to the length or frequency of leave under this section, and it may be granted in continuation of leave on medical certificate, or furlough, but not in continuation of leave on private affairs, or of privilege leave.

SUBSIDIARY LEAVE.

Section 10.—Subsidiary leave for such time as may be sufficient may be added to leave on medical certificate, leave on private affairs, or furlough, when taken out of India, as prescribed in Section 18 of the code. Fourteen days only are allowed to an officer at a presidency town, who takes leave on medical certificate out of India. Subsidiary leave may also be granted to an officer going on, or returning from, leave on medical certificate to a sanitarium in India. Amount.

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Section **11**.—An officer on subsidiary leave prefixed to other leave, is entitled to half his average salary. An officer on subsidiary leave following other leave, is entitled to half his average salary, or one quarter of his average salary, according to the rate of allowance to which he may be entitled at the end of the leave to which it is subsidiary. Allowances

1. But see code, Section 18 (*b*), Rule 2, and Section 20 (*d*), Rule 1.

PRIVILEGE LEAVE.

Section **12**.—Privilege leave may be granted in accordance with the rules in Chapter VI of the code: provided that no officer whose salary is less than two hundred rupees a month can draw any allowances for time passed on privilege leave until he returns to duty.

1. An officer who has a temporary or officiating appointment only, may be allowed privilege leave, if the local Government considers no substitute to be necessary, or can provide for his duties without additional expense.

2. A ministerial officer of a High Court is not allowed privilege leave, if he is allowed to be absent during the High Court vacation.

3. A hospital assistant employed in the civil department may, during the period of his service in that department, be allowed privilege leave, provided that no extra expense is caused by the grant of the leave.

EXAMINATION LEAVE.

Section **13**.—An officer permitted to present himself at any examination which must be passed before a person is eligible for a higher subordinate appointment, such as a deputy-magistracy, may, under the orders of the local Government, be allowed leave of absence for the number of days which is actually necessary to enable him to attend at the examination. During this absence, which is expected to be short, no deduction will be made from the officer's allowances, unless the head of the office finds such deduction necessary to enable him to make arrangements for carrying on the work. Such leave should not be allowed more than twice for each standard of examination.

Supplement F.—Uncovenanted Officers generally.

GENERAL.

Section 14.—Leave on private affairs and furlough cannot be taken in continuation of any leave except subsidiary leave; but any leave may be retrospectively changed for any other kind or amount of leave which might at first have been granted; and, if an officer absent on privilege leave, or on leave on private affairs, or on furlough, take extension of leave on medical certificate, the whole of the absence will be treated as leave on medical certificate. Accumulation of leave.

Section 15.—No officer's appointment becomes vacant, simply by reason of his taking leave under these rules. But absence without leave, or after the end of leave (excepting privilege leave, in which case a week's grace is allowed) involves loss of appointment; and after five years' continuous absence, whether with or without leave, an officer is considered to be out of Government employ. Lien on appointment

1. The secretary of state, in granting to officers extension of leave, sometimes declines to guarantee retention of appointment, if there is no time to communicate with the local Government in India.

2. An officer who goes on leave out of India has no claim to return to the *particular* local appointment from which he took leave.

APPLICATIONS FOR LEAVE.

Section 16 (*a*).—Leave may be granted to an officer by the authority whose duty it would be to fill up his appointment if vacant. The local Government may empower heads of departments to grant privilege leave to officers under their orders, who are appointed by Government; but if the officer, to whom leave is granted, be a gazetted officer, the grant of leave must be reported to the local Government. Applications for leave.

(*b*).—A monthly return of non-gazetted officers absent on leave should be prepared in the following form, and should accompany each establishment pay bill:— Monthly return

1, Absentee's name; 2, his appointment; 3, pay of his appointment; 4, nature of the leave, and section under which granted; 5, period of leave; 6, excess of pay over leave

Supplement F.—Uncovenanted Officers generally.

allowance; 7, name of substitute (if any); 8, acting allowances consequent on the leave; 9, excess of column 6 over column 8, showing the amount to be deducted from the establishment pay bill; 10, remarks.

Medical certificate.

1 (*a*).—Applications for leave, or extension or commutation of leave, on medical certificate, must be accompanied by a statement from the applicant's medical attendant, distinctly stating, from personal observation, the nature of the illness, its symptoms, causes, and duration.

(*b*).—A certificate must also be submitted from the chief medical officer of the station or district, or, if the officer is at the presidency, from a presidency surgeon, to the effect that, after careful personal investigation, he considers a certain period of absence absolutely requisite for the restoration of health.

(*c*).—If the leave be for more than six months, the papers must be submitted for countersignature by the deputy surgeon general; and if the leave is to be taken out of India, by the surgeon general also, unless danger be incurred by the delay.

(*d*).—If the applicant be already on leave out of India, the certificate under clause (*a*) must state the period during which the surgeon or physician has attended the officer, and it must be countersigned, after *personal* examination, by the medical board of the India Office, or by the principal medical authority of the colony or country where the absentee may be.

(*e*).—The forms of certificate prescribed in the code, section 28, rule 2, may be used as far as they are applicable.

THE ACTING ALLOWANCE CODE.

FORT WILLIAM.

FINANCIAL DEPARTMENT.

The 1st December 1873.

FROM the date of the publication of this edition of the ACTING ALLOWANCE CODE, the first edition, and all notifications and orders thereunder, become obsolete.

This second edition only should hereafter be quoted.

By order of the Governor General in Council,

R. B. CHAPMAN,

Secretary to the Government of India.

THE ACTING ALLOWANCE CODE.

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THE

ACTING ALLOWANCE CODE.

CHAPTER I.

DEFINITIONS AND EXPLANATIONS.

Section 1.—In the following Rules, unless there be something repugnant in the subject or context—

(*a*). "Local Government" includes a department of the Government of India, a Chief Commissioner, the Resident at Hyderabad, and the Agents of the Governor General in Rajputana and Central India. Local Government

(*b*). Appointments are said to be in the same "class" when they are in the same department, and bear the same designation, or have been declared by the Government of India to be in the same class. Appointments in the same class are sometimes divided into "grades" according to pay. Class and grade.

(*c*). An "absentee" is an officer absent, whether on leave or on duty, from an appointment on which he has a lien. Absentee

(*d*). Except in Chapter IX, the words "the appointment" mean "the appointment in which an officer is officiating for an absentee."

Section 2 (*a*).—The "pay" of an *officer* is as follows:— Pay and salary

(1). In the case of an officer with a substantive appointment:—the amount which he would receive, monthly, under any of the following designations if he were doing the work of his substantive appointment:

Substantive pay,
Consolidated pay,
Military pay and allowances, and staff salary.
Staff corps pay and staff salary.

(2). In the case of an officer without a substantive appointment:—his monthly subsistence allowance (if a covenanted civil servant); and his military pay and allowances, or staff corps pay (if a military officer).

(*b*).—The "pay" of an *appointment* with reference to any officer, is the pay which he would receive monthly if he held the appointment substantively.

For instance: if the pay of the appointment is subject to increase upon the passing of an examination or upon the completion

General Rules.

of a certain period of service, the officiating officer's allowances are calculated upon the pay which he would from time to time receive, if he held the appointment substantively.

(*c*).—"Salary" is the sum of monthly "pay" and "acting allowance;" it does not include personal allowances, travelling allowances, local allowances, or the like.

(*d*).—"Progressive pay" is pay which, upon good behaviour, rises, by periodical increments, from a minimum to a maximum.

(*e*).—"Consolidated pay" includes military pay and allowances or staff corps pay, which cannot be separately drawn.

(*f*).—"Staff salary" is an allowance to a military officer in addition to the military pay and allowances or the staff corps pay of his rank.

CHAPTER II.

GENERAL RULES.

Section 3 (*a*).—The maximum salary of an officiating officer is the pay of the appointment.

(*b*).—The minimum salary of an officiating officer is half the pay of the appointment. Maximum and minimum.

Section 4.—If an absentee draws no part of the pay of his appointment, another officer may be appointed thereto substantively, for a time only, on full pay, without disturbing the lien of the absentee. The full pay of an officer thus appointed substantively for a time only, may, in like manner, be given to a substitute appointed substantively, for a time only, and such appointment need not disturb the lien on the appointment of the officer in whose place the substitute is appointed. Seconding.

1.—An absentee who receives leave allowances draws, within the meaning of this section, "part of the pay of his appointment;" and this section is not to be construed as conflicting with Rule 1, under Section 12 (*b*) of the civil leave code.

The Covenanted Civil Service.

Section 5.—If the substantive appointment of an officer is changed while he is officiating in an appointment; or if, while so officiating, an officer is appointed, for the first time, to some substantive office; then, provided that his tenure of his officiating appointment is not interrupted by his new substantive appointment, he may draw the pay thereof without joining it, from the date on which he is appointed thereto, or from any later date on which the substantive office becomes vacant.

CHAPTER III.

THE COVENANTED CIVIL SERVICE.

Officers with substantive appointments

Section 6* (*a*).—An officer with a substantive appointment, officiating in another appointment or in a higher grade, is entitled to an acting allowance of one-fifth of the pay of the appointment or grade.

(*b*).—But the acting allowance shall not be less than two-thirds of the difference between the pay (or, in the case of a progressive pay, the minimum pay) of the appointment or grade, and the pay of the officiating officer.

(*c*).—Nor shall it be less than Rs. 200.

Settlement officers.

1. In the North-Western Provinces, when a settlement officer officiates in an appointment in another department, his salary shall be calculated as if his pay were the pay of the ordinary grade next below the standing which he occupies in the settlement department.

Explanation.—An officer officiating in a class divided into grades will officiate in the lowest grade, unless it be otherwise specially ordered.

[*Illustration.*—A is magistrate, in the first grade, of Nuddea. B is magistrate of Midnapore, the senior in the second grade. C is a joint magistrate. If A takes leave, then, in ordinary course of promotion, B would obtain officiating promotion to the first grade without leaving Midnapore, and C, appointed to officiate as magistrate of Nuddea, would officiate in the second grade.]

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* In the case of an acting appointment made with effect from before 1st November 1869, or of a reversion to an acting appointment held before the date, the officer is entitled, in addition, to one-tenth of the first Rs. 2,000 of the pay of the appointment or grade. "Reversion" here means a return to an appointment under the operation of the rules, and without formal re-appointment.

Military Officers in Civil Employ (not being in the Public Works, the Survey, the Telegraph, or the Forest Department).

Section 7.*—An officer without a substantive appointment is entitled to an acting allowance of half the pay of any appointment in which he officiates, and to subsistence allowance. Officers without substantive appointments.

1. For rates of subsistence allowance, see civil leave code, Section 14, Rule 1.

CHAPTER IV.

MILITARY OFFICERS IN CIVIL EMPLOY (NOT BEING IN THE PUBLIC WORKS, THE SURVEY, THE TELEGRAPH, OR THE FOREST DEPARTMENT.)

Section 8.—The cases which may occur are these :— Specification of cases.

(*A*). An officer officiating in an appointment of which the pay is consolidated may be—

Case 1.—An officer without a substantive appointment.

Case 2.—An officer having a substantive appointment the pay of which is consolidated.

Case 3.—An officer having a substantive appointment the pay of which is a staff salary.

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* 1. An officer who on the 1st July 1868 was absent on leave, without a substantive appointment, or had returned from furlough and had not obtained a substantive appointment, is entitled, till he again holds a substantive appointment with pay not less than that of the substantive appointment which he last held, to an acting allowance of three quarters, instead of half, of the pay of any appointment in which he officiates.

2. No officer who did not return from furlough before the 23rd November 1869 may, under the preceding para., draw more salary than he would draw if the substantive appointment which he last held were restored to him.

3. An officer may decline the special acting allowance provided in para. 1, and take the ordinary acting allowance under Section 7. In this case, the limitation prescribed by the preceding rule will not operate.

4. If an officer who draws acting allowance under para. 1 takes furlough, the rule in it will continue to apply to him on his return from that furlough, unless the circumstances are such that if he had a substantive appointment, he would have lost it by the operation of the rules.

5. An officer drawing allowances under para. 1, should be appointed to the first appointment (not being a special one) suitable to his rank and qualifications which may become substantively vacant. If its pay is less than that of the substantive appointment which he last held, he should be promoted as substantive vacancies occur, until his pay is equal to that of the substantive appointment which he last held. Until he regains this position, he may draw, unless the local Government declare him unfit to be restored to his former rank, such personal allowance as will raise his salary to the amount which he would draw under the preceding para.

Military Officers in Civil Employ (not being in the Public Works, the Survey, the Telegraph, or the Forest Department).

(*B*). An officer officiating in an appointment of which the pay is a staff salary may be—

Case 4.—An officer without a substantive appointment.

Case 5.—An officer having a substantive appointment the pay of which is consolidated.

Case 6.—An officer having a substantive appointment the pay of which is a staff salary.

1. An appointment of which the pay is fixed with reference to its being held by a civil officer, covenanted or uncovenanted, is treated, for the purposes of this section, as if the pay of it were "consolidated."

Appointments on consolidated pay.

Section 9.—In case 1 the officer is entitled to his pay and to such acting allowance as will make the total equal to the sum of the following assumed subsistence allowance, added to half the pay of the appointment:—

Assumed subsistence allowance.

	Rs.
For the rank of captain or subaltern ..	250 a month.
For the rank of major	320 „
For higher ranks	400 „

Appointments on staff salary.

Section 10.—In cases 2 and 3 the acting allowance is regulated by Section 6.

Section 11.*—In cases 4, 5, and 6 the salaries are calculated by military rules: any excess of the consolidated pay of the substantive appointment in case 5, over the military pay and allowances or the staff corps pay of the officer, being treated as a staff salary.

Medical appointments.

Section 12 (*a*).—As an exception to Sections 9 and 10, the allowances of a commissioned medical officer, officiating in an appointment the pay of which was fixed by general order of the Government of India in the military department, No. 370, dated the 4th April 1867, shall be regulated by Section 11, on the assumption that the pay of the appointment is a staff salary

* The military rules referred to are as follow:—

(1).—For officers who have elected the rules of 1868:—

An officiating officer will draw half the staff salary of the appointment and half the staff salary of his substantive appointment, if he have one: provided that the whole staff salary thus drawn shall be not less than Rs. 100 a month.

(2).—For officers who have elected the rules of 1854:—

An officiating officer will draw half the staff salary of the appointment. After acting for six months, whether continuously or not, in the same post or grade, he is entitled to the full staff salary, as soon as the absentee ceases to draw any part of it.

The Public Works Department.

equal to the difference between the officiating officer's unemployed pay and the consolidated pay he would receive if he held the appointment substantively.

(*b*).—Provided that, if the officer was appointed to the medical service before the 7th November 1864, he shall receive an aggregate salary not less than his full batta pay.

CHAPTER V.

THE PUBLIC WORKS DEPARTMENT.

[ENGINEER ESTABLISHMENT AND SUPERIOR OFFICERS OF ACCOUNTS BRANCH.]

No officiating in grades.

Section **13** (*a*).—An officer of a class divided into grades cannot officiate, in this class, in a grade higher than that to which he is substantively appointed.

(*b*).—An officer officiating in a rank which is divided into classes, or in a class divided into grades, will officiate in the lowest class or grade; but this rule does not apply to an officer officiating in an appointment of which the substantive holder must belong to a particular class.

Officers with substantive appointment.

Section **14** (*a*).—An officer with a substantive appointment, officiating in a higher class or in another appointment, is entitled to an acting allowance, in addition to his pay, of one-fifth of the civil pay of the class or appointment in which he officiates.

(*b*).—A civil officer without a substantive appointment is entitled to an acting allowance of half the civil pay of the class or appointment in which he officiates. A military officer, without an appointment, is entitled to his pay, and to such acting allowance as will make the total equal to the sum of the assumed subsistence allowance stated in Section 9, added to half the civil pay of the class or appointment in which he officiates.

Explanation.—The civil pay of the graded class is the average civil pay of the grades (calculated without reference to the number of appointments in each grade);

The Survey Department.

but the officiating officer's salary shall not exceed the pay of the lowest grade.

1. The net military pay of an officer of the Royal Engineers is not taken into account in calculating acting allowances. He is entitled to this pay independently of any other allowance.

Section **15**.—In the following cases, special allowances are given, on sanction by the local Government, or, if the appointment be under a Chief Commissioner or an Agent to the Governor General, or under the Resident of Hydarabad, or the Chief Commissioner of the Andaman and Nicobar Islands, by the Government of India:

(*a*).—A subordinate officiating as an executive engineer, is allowed Rs. 100 a month in addition to his pay, provided that his salary must not exceed the pay of an executive engineer of the 4th grade.

(*b*).—A subordinate officiating as an assistant, is allowed Rs. 50 a month in addition to his pay. This allowance is not admissible on the mere circumstance of the subordinate holding a charge formerly held by an assistant, but only when the charge involves duties and responsibilities which, in character or extent, are such as are not usually imposed on subordinate officers. Subordinates

(*c*).—An accountant officiating for a controller or deputy controller, is entitled to draw an allowance of Rs. 100 a month in addition to his pay, provided that his salary must not exceed the pay of a deputy controller.

CHAPTER VI.

THE SURVEY DEPARTMENT.

(OFFICERS NOT BELOW THE RANK OF ASSISTANT SURVEYOR IN THE SURVEY DEPARTMENT UNDER THE SURVEYOR GENERAL IN INDIA.)

Section **16**.—An officer officiating in the grade immediately superior to his own, is entitled to the same allowances as if he were confirmed in that grade. Survey department

Other Officers.

Section 17.—An officer officiating in a grade higher than that immediately superior to his own, is entitled to an acting allowance, in addition to his pay, of one-fifth of the civil pay of the grade in which he officiates.

1. The foot note to Section 6 applies to this section also.

Section 18.—An officer without a substantive appointment, is entitled to an acting allowance, in addition to his pay (if any), of half the civil pay of the grade in which he officiates.

CHAPTER VII.

OTHER OFFICERS.

Section 19.—The following are the rules applicable to officers in civil employ who are

not members of the covenanted civil service,

nor commissioned officers in the army,

nor in the public works and survey (India) departments, unless they are officiating in appointments below the rank of assistant engineer, or assistant controller, or assistant surveyor,

nor officers of the superior establishment of the telegraph and forest departments, whose acting allowances are regulated by the special rules contained in the appendix.

Section 20 (*a*).—An officer with a substantive appointment, officiating in an appointment which is open to, and may in practice be held by, a covenanted civil servant or an officer of the army, is entitled to the acting allowance prescribed in Section 6. Officers with substantive appointments.

Examples of the appointments referred to.

Postmasters general; judges of small cause courts not being members of the subordinate judicial service; gazetted officers of police.

1. Officers of the classified list of the financial department, and judges of small cause courts who are graded as members of the subordinate judicial service, do not come under this clause, but under clause (*b*).

Other Officers.

(b).—An officer with a substantive appointment officiating in an appointment to which clause *(a)* does not apply, and of which the pay is not less than Rs. 100, is entitled to an acting allowance of one-fifth of the pay of the appointment: Provided that no officer may, under this clause, be appointed to officiate in a higher grade of his own class.

No officiating in grades.

1. In the public works department no increased allowances are admissible to an officer of the upper subordinate establishment, or to a sub-overseer, for performing duties previously entrusted to one of a higher grade in either of the subordinate establishments.

Munsifs in Madras.

2. In Madras the first, second, and third grades of munsifships are treated as distinct *classes*.

Graded appointments.

Explanation.—The pay of an appointment which belongs to a graded class and is not such as is described in clause *(a)* of this section, is the average pay of the grades, calculated without reference to the number of appointments in each grade; but the officiating officer's salary shall not exceed the pay of the lowest grade, unless he belongs to another department, and is specially appointed to officiate in a grade other than the lowest.

Officers without substantive appointments.

Section **21** (*a*).—An officer without a substantive appointment, officiating in an appointment the pay of which is not less than Rs. 100, is entitled to an acting allowance of half the pay of the appointment.

See explanation under Section 20.

Appointments of less than Rs. 200.

(*b*).—If the pay of the appointment is less than Rs. 200, and the local Government considers that the acting allowances admissible by rule are insufficient, it may grant to the officiating officer higher allowances, not exceeding the difference between the pay of the appointment and the portion of it drawn by the absentee for whom he officiates.

Appointments of less than Rs. 100.

Section **22** (*a*).—The salary of an officer officiating in an appointment of which the pay is less than Rs. 100 should, as far as practicable, be regulated by Sections 20 (*b*) and 21 (*a*).

(*b*).—If an officer officiating in such an appointment, has a substantive appointment, his salary must in no case *exceed* what it would be if Sections 20 (*b*) and 21 (*a*) were exactly applied.

Plural appointments.

without being relieved of his own duties, to officiate in two appointments, B, of which the pay is Rs. 1,600, and C, of which the pay is Rs. 2,200.

	Rs.
If he held A only he would draw ...	1,000
If he officiated in B only, he would draw pay Rs 1,000, and acting allowance Rs. 400 ...	1,400
If he officiated in C only, he would draw pay Rs. 1,000, and acting allowance Rs. 800 ...	1,800
He will therefore draw for C (which carries the highest salary)	1,800

And, but for proviso (*c*), he would be entitled, for B and A, to such allowances as the local Government may fix, not exceeding Rs. $\frac{1,400}{2}$=700 for B, and $\frac{1,000}{2}$=500 for A.

But, in consequence of that proviso, his aggregate salary must be limited to Rs. 2,200 (the pay of appointment C), unless the declaration prescribed in Rule 1 be made.]

Exceptions.

Section 24 (*a*).—Section 23 does not apply to the case of an officer officiating at the same time in two or more appointments which are, ordinarily, held substantively by one individual. In such case, the two appointments shall, for the purpose of calculating acting allowances, be treated as one appointment upon the aggregate pay.

(*b*).—Nor to the case of an officer discharging the duties of more than one appointment in the same office, or on the same establishment. An officer so employed is entitled to the highest salary to which he would be entitled if he held or officiated in any of the appointments alone, and to nothing more.

EXAMPLES.—One under-secretary discharging the duties of a fellow under-secretary in the same office or department as well as his own.

A joint magistrate appointed, in addition to his own duties, to officiate as magistrate of the district. In this case he gets allowances only as officiating magistrate of the district.

A district judge deprived of the help of an additional or assistant judge, and therefore doing the additional or assistant judge's work.

A joint magistrate doing the work of a second joint magistrate in the district as well as his own.

A clerk doing the duties of another clerk in the same office.

(*c*).—Nor does the section affect "local allowances" given for the performance of separate duties.

Plural appointments.

1. The allowances for the additional charge of an appointment of the kind specified in Section 12 are regulated by military rules and not by this code.

Charge of current duties.

Section **25** (*a*).—An officer appointed, without being relieved of his own duties, to be in charge of the current duties of an office, is ordinarily not entitled to acting allowance.

(*b*).—But when an officer is appointed to be in charge of the current duties of a judicial office, or of a gazetted office in the police department, and the charge, in the opinion of the local Government, entails a substantial increase of responsibility, and some additional work, he is entitled to a charge allowance, to be fixed by the local government, not exceeding one-tenth of the pay of the office. If the office is open to, and may in practice be held by, a covenanted civil servant or a commissioned officer of the army, the charge allowance may not be less than Rs. 100 a month.

1. For a subordinate judicial officer in charge of the current duties of a district judge's office, the charge allowance is fixed at Rs. 150 a month.

(*c*).—An officer of the engineer establishment of the public works department appointed, without being relieved of his own duties, to be in charge of the current duties of an office of higher class than his own, is entitled to a charge allowance of one-tenth of the civil pay of the class. But the cases must be reported to the Government of India for confirmation.

(*d*).—An executive engineer, holding charge of two divisions, will receive a charge allowance of Rs. 100 a month. This, however, is only to be allowed under special circumstances, and as a temporary arrangement, and must be reported to the Government of India for confirmation.

(*e*).—A sub-assistant patrol of the inland customs department, when placed in charge of a beat, owing to the absence on leave of a patrol or an assistant patrol, is entitled to a charge allowance of Rs. 15 a month.

1. No allowance may be granted under this section unless the incumbent has actually given over charge of the office under the orders of competent authority, and is absent on leave or

Appointments on progressive pay.

deputation. A charge allowance is not admissible to a subordinate officer empowered to dispose of routine business while his superior is on tour.

CHAPTER IX.

APPOINTMENTS ON PROGRESSIVE PAY.

[This chapter applies to all officers employed in the telegraph department.]

Section **26** (*a*).—When an officer is first appointed (whether the appointment be substantive or officiating) to an office of which the pay is progressive, and the minimum pay is not less than Rs. 100, the pay of the appointment shall, for the purpose of calculating his salary, be ascertained by counting towards the increment any exces over one year in the period immediately preceding the date on which the appointment takes effect, during which the officer's pay, continuously,—

(1) if progressive, or subject to increase on passing an examination, has been at its maximum, and

(2) has been not less than the minimum pay of the appointment.

Provided that not more than a year can be counted under this section.

(*b*).—If the minimum pay of the appointment is less than Rs. 100, no time can be counted towards the increments before the date on which the appointment takes effect.

Example.—A B had, since the 1st July 1870, been drawing the maximum pay (Rs. 600) of his appointment. On the 1st December 1871, he was appointed to officiate in an office, the pay of which rises from Rs. 600 to 800. Under this section he counts five months out of the seventeen, intervening between the 1st July 1870 and the 1st December 1871. This section, however, does not fix his salary, but only determines one of the elements necessary for its calculation.

Section **27**.—After an officer's first appointment, the pay of the appointment shall, for the purpose of calculating his salary, be ascertained by counting

Appointments on progressive pay.

towards the increments (in addition to any time admissible under Section 26)—

i. Any time, whether continuous or not, during which he has officiated in the appointment, and during which—

(1) his pay, if progressive—or subject to increase on passing an examination, has been at its maximum, and

(2) his salary has been not less than the minimum pay of the appointment.

Provided that when the minimum pay of a higher class is equal to the maximum pay of a lower class, an officer whose substantive appointment is in the lower class can, under no circumstances, begin to count time for increments in the higher class until his pay has been for one year at its maximum.

Example.—C. D. holds an appointment of which the pay rises from Rs. 400 to Rs. 600. His pay on the 1st January 1873 is Rs. 550: on the 1st June he obtains the maximum pay of Rs. 600. He is appointed in February 1873 to officiate in an appointment of which the pay rises from Rs. 600 to Rs. 800. He cannot begin to count time in the grade until the 1st June 1874, when his substantive pay will have been at its maximum for one year.

ii. Any time during which he has held the appointment substantively.

Example.—A. B. (the officer in the example under section 26) will, under this section, count the time subsequent to 1st December 1871, during which he is officiating in the appointment. But this section, like the last, does not, of itself, fix his salary.

Rule for calculating salary.

Section 28 (*a*).—If the officer is officiating in the appointment, his acting allowance shall be calculated on the mean pay of the appointment; his maximum salary shall be the pay of the appointment as fixed in accordance with Sections 26 and 27; and his minimum salary shall be half the mean pay of the appointment.

(*b*). If the officer holds the appointment substantively, his pay shall be the pay of the appointment as fixed in accordance with Sections 26 and 27.

Appointments on progressive pay.

Example.—The "pay of the appointment," as fixed for A B in the example under section 26, is—

From December 1st, 1871	...	Rs. 600
From July 1st, 1872 ...	...	„ 650
From July 1st, 1873 ...	...	„ 700
From July 1st, 1874 ...	...	„ 750, and so on.

If he officiates only he gets Rs. 740 (*i. e.*, Rs. 600 + $\frac{700}{3}$), limited at first to Rs. 600, after the 1st July 1872 to Rs. 650, and after the 1st July 1873 to Rs. 700. But after the 1st July 1874 he will draw the full Rs. 740, as the limit is then Rs. 750.

If he at any time obtains the appointment substantively, he gets the full pay above stated.

1. The following special rules apply to the post office department:—

(*a*). Unless otherwise specially ordered by the Director General, an officer can count time only under Section 27, and can count under part i. of that section only so much as is continuous.

(*b*). An increment of salary accruing in any other month than March must be postponed until the 1st of March next following.

Section **29.**—An officer may, by excluding a previous appointment, count a subsequent appointment as the "first" appointment under these rules.

Example.—E F, who had been drawing the maximum pay of his substantive office from the 1st January 1869, was appointed to officiate from the 1st January to the 31st March 1870 in an office on progressive pay, the minimum of which is the same as his maximum pay. He is again appointed to officiate in the higher office from the 1st January 1872, and is entitled, under Section 27, to count towards increments of salary the *three months* of his first officiating tenure. But if the appointment in 1872 were his "first" appointment to officiate in the higher office, he would be entitled under Section 26 to count *one year* towards increments of salary. E F is allowed to ignore his appointment in 1870, and count his appointment as if it were his first.

Section **30.**—In departments in which the pay is regulated according to classes, an officer may count, under Section 27, any time during which he has officiated in a higher class, if he had during that time officiated in any lower class. Time thus counted cannot be afterwards counted towards an increment in the higher class.

* The rules in Sections 26 and 30 were first promulgated in the acting allowance code, dated the 1st August 1871.

Section 30 may be applied in fixing the salaries of officers in the appointments which they were holding on the 1st August, but no back pay before the 1st can be drawn in consequence of the permission given by it.

Section 26 can be applied only in fixing the salaries of officers in appointments made on or after the 1st August, but any officer holding an appointment on the 1st August 1871, may count that appointment as if it had been "first" made on that date.

Exceptional cases.

Exceptional cases.

Section **31**.—Time spent on leave with allowances counts towards increments in the same manner as if during it the officer had actually held or officiated in (as the case may be) the appointment on which he has a lien.

Section **32**.—Time passed under suspension does not count towards increments, if the suspension is a penalty for misconduct; but an officer, in directing reinstatement of a person who has been suspended, may declare that the time shall count.

CHAPTER X.

EXCEPTIONAL CASES.

Section **33**.—The allowances of an officiating ordinary member of the executive council of the Governor General, or of the Governor of Madras or Bombay, are regulated by Act of Parliament, Section 27 of 24 & 25 Vic., Cap. 67.

Section 27.—If any vacancy shall happen in the office of an Ordinary Member of the Council of the Governor General, or of the Council of either of the Presidencies, when no person provisionally appointed to succeed thereto shall be then present on the spot, then, and on every such occasion, such vacancy shall be supplied by the appointment of the Governor General in Council, or the Governor in Council, as the case may be; and until a successor shall arrive, the person so nominated shall execute the office to which he shall have been appointed, and shall have all the powers thereof, and shall have, and be entitled to, the salary and other emoluments and advantages appertaining to the said office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such office; and if any Ordinary Member of the Council of the Governor General, or of the Council of either of the Presidencies, shall, by any infirmity or otherwise, be rendered incapable of acting or of attending to act as such, or if any such Member shall be absent on leave, and if any person shall have been provisionally appointed as aforesaid, then the place of such Member absent or unable to attend shall be supplied by such person, and if no person provisionally appointed to succeed to the office shall be then on the spot, the Governor General in Council, or Governor in Council, as the case may be, shall appoint some person to be a temporary Member of Council, and until the return of the Member so absent or unable to attend, the person so provisionally appointed by the Secretary of State in Council,

Exceptional cases.

or so appointed by the Governor General in Council, or Governor in Council, as the case may be, shall execute the office to which he shall have been appointed, and shall have all the powers thereof, and shall receive half the salary of the Member of Council whose place he supplies, and also half the salary of his office under the Government of India, or the Government of either of the presidencies, as the case may be, if he hold any such office, the remaining half of such last-named salary being at the disposal of the Government of India, or other Government as aforesaid: provided always that no person shall be appointed a temporary Member of the said Council who might not have been appointed as hereinbefore provided to fill the vacancy supplied by such temporary appointment.

High Court judges.

Section **34**.—An officiating chief justice, or judge, of any High Court, or of the Chief Court of the Punjab, is entitled to the full pay of the appointment.

Law officers.

Section **35**.—An officiating law officer draws, as acting allowance, the difference between the allowance attached to the appointment and the portion of it drawn by the absentee for whom he officiates.

1. The Government of Madras may apply this rule to an officer officiating as translator to Government.

Section **36**.—The undermentioned officers, officiating or substantive, are entitled to minimum salaries as follows:—

Accountant general in Bengal, Madras, or Bombay	1,500
Accountant general in the North-Western Provinces or in the Punjab	1,200
Accountant general (or deputy accountant general in independent charge) in British Burmah	1,000
Deputy accountant general (in independent charge) in the Central Provinces, Hyderabad or Mysore	800
Controller of public works accounts in Bengal, Madras or Bombay	950
Controller of public works accounts in the North-Western Provinces or the Punjab...	900
Uncovenanted medical officer in medical charge of a civil station	350
Supernumerary deputy collector in Sindh ...	400
Extra assistant commissioner, 3rd class, in British Burmah	75
Extra assistant commissioner, except as above	200
Assistant superintendent of police (except those promoted from lower grades) ...	200
Assistant patrol in the inland customs department	100

Exceptional cases.

Cases of fixed minima.

Section **37**.—For the following cases there are special rules :—

(*a*). A clergyman appointed to perform the duties of a chaplain on the regular establishment is entitled to an allowance of Rs. 100 a month.

(*b*). A sub-assistant surgeon officiating for, or appointed to do the duties of, a civil surgeon is entitled to an allowance in addition to his pay as follows :—

If he be in the first or second grade :—Rs. 150 a month (but he must forfeit the Punjab allowance of Rs. 50 a month, if he has it).

If he be in the third grade :—Rs. 100 a month.

(*c*). A warrant officer of the medical department, officiating as a civil surgeon, is entitled to acting allowance under the general acting allowance rules.

Extracts.

APPENDIX REFERRED TO IN SECTION 19.

Extract from the Telegraph Code, Chapter D.

82. The following rules relate to the acting allowances of officers of the superior establishment, the expression "consolidated pay" being in all cases understood as the pay fixed for a civil officer holding an appointment, even though the officer affected in the calculation of acting allowance be a military officer.

I.—An officer officiating in the telegraph department, who does not hold any substantive appointment, shall receive an acting allowance of half the consolidated pay of the appointment in which he may officiate. In giving acting allowance under this rule to a military officer not holding any substantive appointment, who may officiate in the telegraph department, the allowance granted will be in addition to his military pay and allowances, up to an amount not exceeding what the officer would draw were he to be confirmed in the lowest grade of the class in which he may be appointed to officiate.

* * * * * *

III.—Except as provided in rules I and V, an officer officiating in a grade immediately superior to his own shall draw the minimum consolidated pay of that grade; if he be a military officer, and the grade in which he is officiating carry staff allowances, he shall draw the same salary as he would draw were he permanently confirmed in the grade in which he officiates.

IV.—Except as provided in rules I and V, an officer officiating in a grade higher than that immediately superior to his own shall draw an acting allowance of one-fifth of the mean consolidated pay of the grade in which he officiates, provided that the whole salary drawn by him shall not exceed the minimum pay of the grade in which he officiates. If, however, he be a military officer officiating in a grade carrying staff allowances, he shall draw, in addition to the staff allowances of his own grade, an acting allowance of one-fifth of the staff allowances of the grade in which he officiates, provided that the whole salary drawn by him shall not exceed the maximum pay fixed for the grade in which he officiates.

V.—No assistant superintendent, when officiating for another assistant superintendent of a higher grade, shall draw any acting allowance.

VI.—These rules are to be applied to all officers, military or civil, officiating in the superior appointments of the telegraph department in all cases, whether in an absolute vacancy or during the absence of the permanent incumbent on general or privilege leave, special duty, or field service.

VII.—The acting allowance to the substitute of an officer on privilege leave will be paid by the state.

Extracts.

Extracts.

VIII.—A superintendent holding charge of two divisions will receive an allowance of Rs. 100 a month, and any assistant superintendent in charge of two sub-divisions Rs. 50 a month. This, however, is only to be allowed under special circumstances, and as a temporary arrangement, and must be reported to the Government of India for confirmation.

96. No increased allowances are payable to any officer of the upper or lower subordinate establishment, or to any sub-inspector, for performing duties previously entrusted to one of a higher grade in either of those subordinate establishments.

Extract from the rules of the appointments, &c., of officers of the forest department under the control of the Government of India.

XII.—As a rule, all officiating appointments will be made to the lowest grade of assistant or deputy conservator, and to the lowest class of conservator, and in such cases the salary of the officiating officer will be the pay of the lowest grade or class of the office in which he officiates. There being no fixed number in the different grades of the assistant conservator and deputy conservator, no officiating appointments in the higher grades within these classes will be permitted.

XIII.—If in any special case an officiating appointment is made otherwise than to the lowest grade or class of assistant or deputy conservator, or conservator, the salary of the officiating officer will be regulated by the ordinary rules regarding acting allowance, or will be fixed specially by the Government of India.